

MINUTES OF THE MEETING OF THE BOARD OF  
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK

HELD

JANUARY 29, 2007

AT BARUCH COLLEGE VERTICAL CAMPUS  
55 LEXINGTON AVENUE – BOROUGH OF MANHATTAN

The Chairperson called the meeting to order at 4:34 P.M.

There were present:

Benno C. Schmidt, Jr., Chairman

Philip Alfonso Berry  
John S. Bonnici  
Wellington Z. Chen  
Rita DiMartino  
Joseph J. Lhota  
Randy M. Mastro

Hugo M. Morales  
Kathleen M. Pesile  
Carol A. Robles-Roman  
Marc V. Shaw  
Freida Foster-Tolbert  
Jeffrey S. Wiesenfeld

Robert Ramos, ex officio

Manfred Philipp, ex officio (non-voting)

Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs  
Jay Hershenson, Secretary and Senior Vice Chancellor for University Relations  
Hourig Messerlian, Deputy to the Secretary  
Kisha Fuentes  
Towanda Lewis  
Anthony Vargas

Chancellor Matthew Goldstein  
Executive Vice Chancellor Selma Botman  
Executive Vice Chancellor Allan H. Dobrin  
President Dolores Fernandez  
President Ricardo R. Fernandez  
President Russell K. Hotzler  
President Edison O. Jackson  
President Marcia V. Keizs  
President William P. Kelly  
President Christoph M. Kimmich  
President Gail O. Mellow  
President James L. Muyskens  
President Antonio Perez  
President Regina Peruggi  
President Jennifer Raab

President Jeremy Travis  
President Carolyn G. Williams  
President Gregory H. Williams  
Dean Michelle J. Anderson  
Dean Ann Kirschner  
Dean Stanford A. Roman, Jr.  
Dean Stephen Shepard  
Vice Chancellor Ernesto Malave  
Vice Chancellor Brenda Richardson Malone  
Vice Chancellor Garrie Moore  
Vice Chancellor Michael Zavelle  
Interim Vice Chancellor Eduardo del Valle  
Senior University Dean John Mogulescu  
RF President Richard F. Rothbard

The absence of Trustees Valerie Lancaster Beal and Sam A. Sutton was excused.

**Chairman Schmidt** called the meeting to order, and stated that the Board will go into Executive Session to discuss personnel matters after the Public meeting ends. We will then reconvene in a brief Public Session following the Executive Session. He announced that the following notice, which had been widely distributed, would be entered into the record of this public meeting:

“The meetings of the Board of Trustees of The City University of New York are open to the public, and the Board welcomes the interest of those who attend. The public has ample opportunity to communicate with the Board. Public hearings on the Board’s policy calendar are scheduled one week prior to the Board’s regular meetings and members of the public who wish to communicate with the Board are invited to express their views at such public hearings. Furthermore, the Board holds additional public hearings each year in all of the five boroughs at which members of the public may also speak. In addition, written communications to the Board are distributed to all Trustees.

The Board must carry out the functions assigned to it by law and therefore will not tolerate conduct by members of the public that disrupts its meetings. In the event of disruptions, including noise which interferes with Board discussion, after appropriate warning, the Chairman will ask the security staff to remove persons engaging in disruptive conduct. The University may seek disciplinary and/or criminal sanctions against persons who engage in conduct that violates the University’s rules or State laws which prohibit interference with the work of public bodies.”

**A. VIDEOTAPING OF BOARD MEETING:** **Chairman Schmidt** announced that as usual **CUNY-TV** is transmitting this afternoon’s meeting of the **Board of Trustees** live on cable Channel 75, continuing to make available this important community service. The Public sessions of this afternoon’s Board Meeting will be available as a podcast within 24 hours of this meeting by going to [www.cuny.edu/podcasts](http://www.cuny.edu/podcasts) and clicking on the Trustees link.

**Chairman Schmidt** stated he wanted to formally and warmly congratulate **Trustee Jeffrey Wiesenfeld** on his recent reappointment to the **Board of Trustees**. Congratulations to you, **Jeff**. All things come to those who wait. I also want to announce that our new Trustee, **Sam A. Sutton**, is traveling abroad and could not be here tonight. The Chancellor and I have met with **Trustee Sutton** who also attended the last round of board committee meetings. So we will officially welcome him here in February.

I am pleased to congratulate **Trustee Carol A. Robles-Roman**, who was presented with the Diversity Trailblazer Award by the New York State Bar Association at its fourth annual *Celebrating Diversity in the Bar* reception. Congratulations, **Trustee Robles-Roman**.

**Chairman Schmidt** stated that I wish to draw your attention to the Calendar of **CUNY** Events and Activities for Spring 2007, which was prepared by **Senior Vice Chancellor and Secretary Jay Hershenson**. This will help you navigate the multitude of important occasions relating to the University and its constituent colleges. The Calendar of **CUNY** Events will be sent to you by email as well.

**Upon motions duly made, seconded and carried, the following resolution was adopted: (Calendar No. 6)**

**NO. 6. RESOLUTION OF APPRECIATION – KENNETH E. COOK:**

WHEREAS, The Honorable Kenneth E. Cook was appointed by Governor Pataki to the Board of Trustees of The City University of New York in 1997; and

WHEREAS, For ten years, he has been a dedicated Trustee and brought to the Board his dedication, extensive experience, and a steady and supportive voice that benefited the University, and higher education; and

WHEREAS, The scope of his work on the Board indicates just how thoroughly the University relied on him: from committees on facilities and faculty to those on academic policy and student affairs, as well as ad hoc committees and several presidential searches; and

WHEREAS, His service as Chair of the Student Affairs and Special Programs Committee for the last five years has been especially valuable, both to the Board and to students throughout CUNY's campuses; and

WHEREAS, The University is particularly grateful for his devotion to our students beyond the regular committee business including his frequent participation in student leadership conferences and activities and at numerous graduation ceremonies; and

WHEREAS, The University takes great pride in his accomplishments as an alumnus, his service to our country in the Korean War and to our city as a trusted teacher; his profound and unselfish contributions have provided a shining example of true citizenship to the Board and University colleagues and to generations of students at CUNY and in our public schools; now therefore be it

RESOLVED, That the members of the Board of Trustees of The City University of New York express their thanks and deepest appreciation to the Honorable Kenneth E. Cook; and be it further

RESOLVED, That the Board of Trustees extends its best wishes for continued success in all his future public and private endeavors. Resolution unanimously adopted.

**Chairman Schmidt** stated that on behalf of the **Board of Trustees** I would like to express our condolences to the family of former Deputy Chancellor Seymour C. Hyman, who passed away in late December. He served with great distinction at **CUNY** during the early 1970's.

**B. FACULTY HONORS:** **Chairman Schmidt** called on **Trustee Rita DiMartino**, who announced the following:

1. Distinguished Professor Gregory Rabassa of the Department of Languages and Literature at **Queens College** and the Ph.D. program in Hispanic and Luso-Brazilian Literatures at **The Graduate Center** recently received the 2006 National Medal of Arts from the President of the United States. It was presented at an oval office ceremony honoring a very select group of prominent historians, authors, musicians and artists. I would like to ask **President James Muyskens** to introduce Distinguished Professor Rabassa to the Board.

**Statement of President James Muyskens:**

It is an honor to introduce the man who is widely credited with introducing the English speaking world to some of the 20<sup>th</sup> Century's greatest literature. With his classic translations of such writers as Jorge Amato, Maria Vargas Llosa and Julio Catazza, Professor Rabassa made us aware of the Latin American boom in writing that would influence writers everywhere.

Chief among his admirers is Nobel Laureate Gabriel Garcia-Marquez, whose extraordinary epic *100 Years of Solitude* Prof. Rabassa translated. Indeed, he is called the best Latin American writer in the English language and, this is astonishing, he claims to prefer the English translation of *100 Years of Solitude* to his own Spanish original.

Prof. Rabassa has won numerous awards, as you all know, including the National Book Award, The Pen Translation Prize and the John Steinbeck Award. He has also written with grace of his own life in his memoir, *If This Be Treason*, which received the 2006 Pen Martha Albrand Award for the Art of the Memoir. It gives me great please to present to you the 2006 recipient of the National Medal of Honors, Gregory Rabassa.

**Statement of Professor Gregory Rabassa:**

Thank you very much **President Muyskens** and the Board for having me here. What I can say is that **Queens College** and **CUNY** have not been absent from what I have been doing supposedly on my own, because in various courses I did try to teach translation—which I found very unteachable—but I made a pretty good effort, and I learned an awful lot from those students that I had.

Also, I liked that in my undergraduate courses, we had such a wide variety of students that I learned as much teaching them as they probably learned from me. So I can only say that my thanks to you for having me here goes back some thirty-five years for bringing me into the system. Thank you.

2. Distinguished Professor of Art Roy DeCarava at **Hunter College** was also awarded the 2006 National Medal of Arts from the President that was presented to him at the same White House ceremony recognizing individuals for their excellence and contributions as Professor Rabassa. I would like to ask **President Jennifer Raab** to introduce Distinguished Professor DeCarava to the Board.

**Statement of President Jennifer Raab:**

This is indeed an honor. Having Roy DeCarava on your faculty is one of the things that makes you feel extremely lucky to be the president of an institution such as **Hunter College**.

Not only has Prof. Roy DeCarava been an extraordinary citizen of **Hunter**, teaching photography for over thirty years and only recently getting a little dismayed by our move to digital and away from the silver paper. I know that he will forgive us. He has been a phenomenal force in this country and really the leading African American photographer. Those phenomenal images that all of you have seen of Billy Holiday, of John Coltrane, of Louis Armstrong, those are all by our own Roy DeCarava.

His seminal exhibit with the poet Langston Hughes resulted in an exhibit and a book called, *The Sweet Flypaper of Life*, and it really documented the Harlem Renaissance. His next book went on to document the life of jazz and the African American presence in the world of jazz. He has taken a part of history and he has made it come alive.

When Roy talks about these phenomenal figures in jazz in public life, in the theater, and in the arts, he talks about them and their human nature and what he captured on the other side of the camera. Every time we take a tour of Roy's works or have him talk about how he photographed John Coltrane or Langston Hughes, we just feel that it is an honor to have such a person being part of the City University faculty.

So I congratulate him. I think our President made an excellent choice with both of these Medals of Honor. He is truly a distinguished professor. Thank you.

**Statement of Professor Roy DeCarava:**

What can I say except thank you. What's most important to me is that you looked and that's what everybody wants. Everyone wants to be seen and they want to be acknowledged, their presence acknowledged. I think that's what I have always wanted in terms of my work. I have always felt that the person before me, in front of me was important. They were important not for what they did, but because of who they were. I feel very lucky that I haven't been squeezed through the mesh of life and there is nothing left of me but pulp.

But I am here and I am glad to be here and I am satisfied with my life. I think I have done what I wanted to do, and I think I have done it not only to the best of my efforts but I think I gave as much as I took. I think if each of us could go through life and say that, we would be lucky.

So all I can say is, if you love something, you have to do it, there is no maybe or later. You love it, you do it, and if you love it, it will be good, because nothing comes from love but goodness. So I love you all. I even love me sometimes. Thank you.

3. Professor Eda Harris-Hastick of **Medgar Evers College** has been appointed to the New York City Commission on Human Rights. Professor Hastick joins other **CUNY** family members on the Commission: **President Edison O. Jackson** of **Medgar Evers College** and Professor Jenny Rivera of the **CUNY Law School**. Congratulations to all!

4. Professor Jenny Rivera of the **CUNY Law School** is taking a leave of absence from her duties to become the new Special Deputy Attorney General for Civil Rights for New York State Attorney General Andrew Cuomo. Congratulations, again!
  5. Distinguished Professor Lance Jay Brown of the **City College** School of Architecture, Urban Design, and Landscape Architecture has won the 2007 Topaz Medallion for Excellence in Architectural Education awarded by the American Institute of Architects. This is an extraordinary honor. Congratulations!
  6. Prof. Andrew Beveridge of the Department of Sociology at **Queens College** has won the American Sociological Association's 2007 Award for the Public Understanding of Sociology in recognition of his longstanding scholarship and contributions in sociological research. Congratulations!
  7. Prof. Mark Hillery of **Hunter College** has been elected a fellow of the American Physics Society for his imaginative and pioneering work in quantum information theory and quantum optics. Congratulations!
  8. Professor and SEEK Program Director Frank Franklin of **Queens College** will receive the Distinguished Alumnus Award by the New York Inter-Alumni Council of the United Negro College Fund, along with former Presidents Bush and Clinton. Congratulations!
- C. STUDENT AND ALUMNI HONORS:** **Chairman Schmidt** called on **Trustee Kathleen M. Pesile**, who announced the following:
1. **Hunter College** senior Anastasiya Shapochkina has been named as one of the twenty 2006-2007 Young Ambassadors Nationwide by the German Academic Exchange and will serve as liaison for the organization in the U.S. and Germany. Congratulations!
  2. Ten fourth-year Sophie Davis School of Biomedical Education students at **City College** have each won \$20,000 Sophie and Leonard Davis Scholarships for their medical education in the next four years. Congratulations!
  3. **CUNY Graduate School of Journalism** student Amy Goldstein was one of five students to win the 2006 American Copy Editors Society Awards for their commitment to copy editing as a career. Congratulations!
  4. Three dental hygiene students from **Hostos Community College** have received first place awards from two different professional organizations for their presentations at the 86<sup>th</sup> Annual Session of the Dental Hygienists' Association of the State of New York. Congratulations!
  5. A partnership developed between **Baruch College** and the National Hispanic Corporate Achievers due to the efforts of **Trustee Philip Alfonso Berry**, awarded the first of their annual scholarships to five Latino students this year. Congratulations!
  6. **Hunter College** Integrated Media Arts Program student Alice Arnold scored four major triumphs recently: The Museum of Modern Art will host a premier of her first film; Channel 13 aired this film this past summer; She won a Fulbright grant to go to Hong Kong; and she was offered a University teaching position. Congratulations!

**D. GRANTS:** Chairman Schmidt presented for inclusion in the record the following list of grants and bequests of \$100,000 or above received by the University subsequent to the November 27, 2006 Board meeting.

**BARUCH COLLEGE**

1. \$100,000 **THE CLARK FOUNDATION** for "Nonprofit Strategy and Management Programs in the School of Public Affairs."

**BROOKLYN COLLEGE**

1. \$722,000 **UNITED STATES DEPARTMENT OF ENERGY** for "Equipment."
2. \$176,229 **NIJ DEPARTMENT OF JUSTICE** for "Research."
3. \$151,763 **UNITED STATES DEPARTMENT OF EDUCATION** for "Training."
4. \$141,750 **HESC** for "Training."
5. \$102,389 **NEW YORK STATE DEPARTMENT OF EDUCATION** for "Training."

**GRADUATE SCHOOL AND UNIVERSITY CENTER**

1. \$279,000 **JOHN ELLIOT CUTTER TRUST** to Moshoyannis, T., for "Paraprofessional Development Initiative/Paraprofessional Academy."
2. \$194,380 **UNIVERSITY OF CALIFORNIA, MERCED** to Rindskopf, D., for "Meta-Analysis of Single Subject Designs."
3. \$114,588 **NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT** to Birenbaum, H., for "Family Literacy Services Adolescent Literacy Services."
4. \$100,000 **CITIGROUP** to Birenbaum, H., for "Project Stretch."

**HUNTER COLLEGE**

1. \$699,990 **UNITED STATES EDUCATION DEPARTMENT NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH** to O'Neill, J., for "Rehabilitation, Research and Training Center for Improving Employment Outcomes."
2. \$591,000 **NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE** to Salmon, R. and Graziano, R., for "An Education Program for Minority Social Workers."
3. \$469,000 **NEW YORK CITY COUNCIL** to DeJesus, A., for "Puerto Rican Studies Institute."
4. \$361,924 **PHS/NIH/NATIONAL INSTITUTE ON DRUG ABUSE** to Barr, G., Huselid, R., Jenab, S., and Quinones-Jenab, V., for "Minority Institution Drug Abuse Program."
5. \$357,614 **NEW YORK STATE DEPARTMENT OF HEALTH** to Filbin, M., for "Spinal Cord Injury Research Board Program: Overcoming Myelin Inhibitors to Promote Regeneration in Vivo."
6. \$314,591 **NEW YORK CITY DEPARTMENT OF EDUCATION, REGION 4** to Gyles, R., for "2005-2006 Mathematics Center for Learning and Teaching."
7. \$264,000 **NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE** to Bromberg, E., for "Training in Intensive Case Management."
8. \$259,960 **NEW YORK COMMUNITY TRUST** to Rendon, D., for "Hunter-Bellevue Nursing Fund."
9. \$251,000 **NEW YORK CITY HUMAN RESOURCES ADMINISTRATION** to Goodman, H., for "Delivery of Social Services Training/Education to Employees of NYC through Innovative Learning Technologies."

10. \$245,228 **NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE/UNITED STATES CENTERS FOR DISEASE CONTROL** to Wheeler, D., for "HIV/AIDS Epidemiologic Research in Black/African American Men Who Have Sex with Men (Brothers y Hermanos)."
11. \$244,457 **NEW YORK CITY DEPARTMENT OF EDUCATION, REGION 4** to Cherkas, B., for "2005-2006 Mathematics and Sciences Partnership Program."
12. \$230,398 **NEW YORK STATE EDUCATION DEPARTMENT** to Kinsler, K. and Gamble, E. M., for "IBSIP and Novice Teacher Program."
13. \$226,800 **RESEARCH FOUNDATION OF MENTAL HYGIENE/NY PSYCHIATRIC INSTITUTE** to Parsons, J., for "Club Drug Use and Risky Behaviors among Men."
14. \$226,574 **WINIFRED MASTERTON BURKE MEDICAL RESEARCH INSTITUTE** to Filbin, M., for "Drug Screen/Glial Inhibitors."
15. \$213,375 **NEW YORK CITY ADMINISTRATION FOR CHILDREN'S SERVICES** to Goodman, H., for "Delivery of Social Services Training/Education to Employees of NYC through Innovative Learning Technologies."
16. \$200,000 **UNITED STATES EDUCATION DEPARTMENT** to Silberman, R., for "Preparation of Teachers for Learners with Severe Disabilities from Diverse Urban Populations."
17. \$197,055 **BREAST CANCER RESEARCH** to Bargonetti, J., for "Estrogen Influences on the p53 Checkpoint in Breast Cells."
18. \$194,576 **HHS CENTERS FOR DISEASE CONTROL** to Parsons, J., for "Development & Evaluation of a Group HIV Intervention for Gender Stigmatized Persons."
19. \$190,086 **NATIONAL SCIENCE FOUNDATION** to Flanagan, M., for "Collaborative Research: SoD-Team: Values at Play: Integrating Ethical and Political Factors into System Design."
20. \$177,893 **RESEARCH FOUNDATION OF THE STATE OF UNIVERSITY OF NEW YORK** to Rockwell, P., for "Biotechnology Scholars Project."
21. \$137,048 **NEW YORK STATE EDUCATION DEPARTMENT** to Knoll, M., for "Leadership Component of the TLQP."
22. \$130,000 **UNITED STATES DEPARTMENT OF ENERGY** to Alexandratos, S., for "Immobilized Ligand-Modified Scaffolds: Design, Synthesis and Ionic Recognition."
23. \$111,799 **MT. SINAI MEDICAL CENTER/NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH** to Caravanos, J., for "Educational Resource Center: Industrial Hygiene."
24. \$109,864 **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION** to Ni-Meister, W., for "A Global Dynamic Terrestrial Ecosystem Model for Climate Interactions at Seasonal to Century Time Scales."

#### **KINGSBOROUGH COMMUNITY COLLEGE**

1. \$100,146 **NEW YORK STATE EDUCATION DEPARTMENT** for "Tech Prep Program."

#### **LAGUARDIA COMMUNITY COLLEGE**

1. \$504,353 **NEW YORK STATE EDUCATION DEPARTMENT** for "WIA/Adult Literacy."
2. \$200,000 **NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE** for "Education Resources for Adult and Family Literacy."
3. \$165,810 **W.K. KELLOGG FOUNDATION** for "Project Note (New Opportunities in Teacher Education) Yr. 2."

4. \$152,683 **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** for "PN to RN Project."

#### LEHMAN COLLEGE

1. \$495,536 **NATIONAL SCIENCE FOUNDATION** to Keen L. and St. John, K., for "Lehman College Mentoring and Scholarship Program."
2. \$163,344 **HOSPITAL LEAGUE, LOCAL 1199** to Paull, M., for "Lehman College MSN Program."
3. \$149,418 **NATIONAL INSTITUTES OF HEALTH** for "Collaborative CAM Research Development Capability Enhancement Grant at Minority-Serving Institutions."
4. \$131,401 **NEW YORK CITY DEPARTMENT OF EDUCATION** to Wolfe, M., for "Even Start Family Literacy Program-Project STARS."
5. \$121,449 **HOSPITAL LEAGUE, LOCAL 1199** to Paull, M., for "Health Care Careers Core Curriculum/Certificate in Alcohol and Substance Abuse Counseling."

#### NEW YORK CITY COLLEGE OF TECHNOLOGY

1. \$790,940 **NATIONAL SCIENCE FOUNDATION** to Brown, P., for "Stem Talent Expansion Program (STEP)."
2. \$496,800 **NATIONAL SCIENCE FOUNDATION** to Li, X., for "S-Stem: Scholar Science Technology, English and Math."
3. \$176,000 **UNITED STATES DEPARTMENT OF EDUCATION** to Falk, W., for "Childcare Access Means Parents in School."
4. \$152,383 **UNITED STATES DEPARTMENT OF EDUCATION** to Kezerashvili, R., for "Transfer of Learning."

#### QUEENS COLLEGE

1. \$1,093,141 **NATIONAL INSTITUTES OF HEALTH/NIOSH** to Markowitz, S., Center for the Biology of Natural Systems, for "Queens World Trade Center Medical Monitoring and Treatment Program."
2. \$531,663 **NEW YORK CITY BOARD OF EDUCATION** to Hammrich, P., Division of Education, for "Teaching Fellows Program."
3. \$275,000 **NEW YORK CITY BOARD OF EDUCATION** to Gaudette, H., College Preparatory Programs Department, for "Townsend Harris High School/Queens College Collaboration."
4. \$163,398 **NEW YORK CITY BOARD OF EDUCATION** to Zevin, J. and Gerwin, D., for "Teaching Democratic America: A Collaboration Between Teachers and Historians (with District 29/Region 3 and ASHP)."
5. \$151,404 **NEW YORK CITY BOARD OF EDUCATION** to Zevin, J. and Gerwin, D., Secondary Education Department, for "Teachers and Historians: A Partnership to Enrich Student Knowledge of U.S. History (with District 24/Region 4 and ASHP)."
6. \$140,000 **NATIONAL SCIENCE FOUNDATION** to Gafney, H., Chemistry and Biochemistry Department, for "The Photocatalyzed Conversion of Carbon Dioxide to Methane with Visible Light: Assembly of Multicomponent Sites in Porous Silica Matrices."
7. \$114,500 **ELSA U. PARDEE FOUNDATION** to Bittman, R., Chemistry and Biochemistry Department, for "Development of Novel Carbamate-Linked Glycerophosphonolipids with Selectivity for Prostate Cancer Cells."

8. \$112,470 **NATIONAL SCIENCE FOUNDATION** to Beveridge, A., Sociology Department, for “Collaborative Research-Collaborative Research-Creating Exemplary Curricula and Supporting Faculty Development in Using Social Explorer to Teach with Demographic Data Maps.”

**COLLEGE OF STATEN ISLAND**

1. \$202,975 **NEW YORK STATE DEPARTMENT OF EDUCATION** to Sanders, J. and Lyublinskaya, I., for “Collegiate Science and Technology Entry Program (CSTEP).”
2. \$150,522 **NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE** to Kijne, H., for “Creative Exchange.”

**E. ORAL REPORT OF THE CHANCELLOR:** Chancellor Goldstein presented the following report:

Thank you, **Mr. Chairman**. Let me add my voice of congratulations to **Trustee Jeffrey Wiesenfeld**. We are just delighted that he is on the Board and look forward to continuing the very distinguished work that he has shown over the past few years. And, of course, I welcome **Trustee Sam Sutton**, as **Chairman Schmidt** has mentioned. We have spent considerable time with **Trustee Sutton** and look forward to his business acumen being translated to the deliberations of this Board.

**Mr. Chairman**, we will have the preliminary flash enrollments in early February, but I am delighted to tell the Board that the student enrollment at this University in our degree-credit programs stands at 226,000 students, the highest in thirty-one years. This is just a great tribute to the work of so many people in this University creating value and accountability that is growing record numbers of students to this University. If you look at other neighboring universities and universities that we compete with, their numbers are really eclipsed by the kind of strong enrollment that we have had in the last few years.

We begin the new semester, **Mr. Chairman**, with ongoing faculty recruitment throughout all of our campuses as we move forward. We expect this year, with funding through the Compact, that we will hire between 150 and 200 faculty members across the University. As I look across the room there is not a president around this table whose faculty and other members of the administration are not actively recruiting faculty. Again, that for us is just so fundamental in building a great University.

I attended the State of the State Address by Governor Eliot Spitzer on January 3<sup>rd</sup> in which he, among many other things, announced the establishment of a new Commission on Public Higher Education. We have had discussions and communicated ideas with the Executive and we look forward to a commission because I think so many of the things that this University and SUNY have the capacity to do could be enhanced. I think a commission of very distinguished people who know the importance of public higher education and have deep experience in public higher education can clear roads for new and wonderful opportunities for both these important systems.

Just an hour or so ago Governor Spitzer gave an important address at the State Education Department in Albany, laying out a vision for public education in the State of New York. I am pleased to tell all of you that he announced that there will be a new Deputy Secretary for Education. Manny Rivera is the gentleman's name. He is the superintendent of schools in the Rochester system. His portfolio will also include higher education and we certainly look forward to working with Mr. Rivera.

We have had several meetings with Budget Director and Senior Advisor Paul Francis, Anthony Shorris, and other members of the Executive with respect to our needs in this University and ideas have been exchanged between all of us. On Wednesday of this week the Governor will release his Executive Budget and I will be testifying next week in Albany on February 8<sup>th</sup> before the New York State Assembly Ways and Means and Senate Finance Committees with respect to our observations of the budget message and responding in ways that are appropriate certainly for this University.

For the first time, **Mr. Chairman** and other members of the Board, we are closely coordinating with SUNY on key policy issues that need to be reflected in the budget process as well as in our outreach to others that we think will enhance both of our systems' efforts. This really is the first time that we have done this. It is very important, I think, that our two great public systems in this state join hands and look for a commonality. We are not going to agree on everything, but if there is a lot of mass in a commonality of view then I think it only gives us the political power that we need to get our message transmitted in a way with clarity and strength and I look forward to working with SUNY in appropriate ways.

We will also coordinate borough meetings with legislators and work closely with State officials. In addition, the **CUNY** Legislative Action Council (CLAC) will meet on Wednesday, February 7<sup>th</sup> to start their agenda as well. Other activities will be with the Black, Puerto Rican, Hispanic, and Asian Caucus Conference in Albany on President's Day weekend. **President Edison Jackson** and I are co-hosting a luncheon along with the leadership of the Caucus, the new Chair and Assemblyman Darryl Towns, and Assemblyman Adriano Espaillat, the President of the Association will be working very closely with us on that important day.

Mayor Bloomberg delivered his State of the City Address on January 17<sup>th</sup> at **CUNY's New York City College of Technology**. I would like to commend **President Russ Hotzler** for working as effectively as he did with his staff and the Mayor's people. It was done flawlessly, **President Hotzler**. I heard from the upper administrators in the Mayor's administration how deeply grateful they were for you and your work. **Trustees Lhota** and **DiMartino** were there as well and it was good to see you both at that important address.

The Mayor just released his Preliminary Budget the other day. Increased City support for the University is slightly under \$20 million. This increase provides for collective bargaining needs that we have with the PSC. Announcements were made about a new program called the Accelerated Study in Associate Program, something we are very excited about here and it is really the second time I would submit that this Board and this administration has indicated how important investment is for our community colleges. It started three years ago with the Community College Investment Program that resulted in the hiring of 300 faculty and 150 support staff. That changed the typology of the community colleges for the first time in so many years. A great infusion of talent was brought to our community colleges and I think that will have a residual effect for many years.

This particular program that the Mayor announced was a result of our discussions. I had direct discussions with the Mayor about that and other members of our administration met with staff. There will be an investment of over \$20 million for the next three years to try to address graduation rates in a very profound way that I don't think anybody has attempted to do in the community college world in the United States.

Community colleges are important institutions. There are about 1,400 community colleges in the United States representing maybe 45% of the students who study in colleges and universities and if we can find a new modality to achieve successes through metrics that are understood and embraced in the marketplace, I think we have an opportunity to do important work.

Unfortunately, in the Mayor's Preliminary Budget Address, there are assaults on some of our financial aid programs, like the Safety Net Financial Aid Program, the Vallone Scholarship Program and a few other programs. So we have some work to do, but I am emboldened by the relationships we have and the way in which we are all pulling in the same direction. So hopefully at the end of the process we will succeed in important ways.

I would like to commend **Vice Chancellor Garrie Moore** who testified before the New York City Council Higher Education Committee last Thursday at a special hearing on **CUNY** childcare, along with childcare directors and interested parties. This is something that we need to address more aggressively than we have in the past. It is critically important for more capital money for childcare facilities and more operating aid for childcare facilities. **Vice Chancellor Moore**, I want to thank you for being as strong and eloquent in that message as possible.

On the federal level, **Mr. Chairman**, and members of the Board, we are working with Van Scoyoc Associates on two areas. The first is on earmarking. We are finalizing the list of priorities that have been communicated by our presidents. This is going to be a bumpy road this year, because the democrats in both the Senate and the House of Representatives have said that this is going to be looked at through lenses much more finely focused than they have been in the past.

In looking at some of the priorities that our presidents have given to me, I think we have a good opportunity to get our message across. Of course, the wonderful relationships that we have not only with our two senators but members of the House of Representatives in the New York Congressional areas is something that I think will help us enormously.

We are also asking Van Scoyoc—given the huge amount of faculty that we have hired in the past few years, many of them right out of graduate school—to help them navigate through the morass of challenges at mission agencies and how to present their ideas in ways that will maximize the opportunity for their success. They are working with us in that as well.

I am delighted that we just received the annual summary of test scores for the National Council Licensure Examination (NCLEX). These are the nursing examinations. I am pleased to report that we are for the first time above the median in New York State with a pass rate of 86%. This represents a 15% increase in pass rates since 2001, when the pass rate was hovering in the low 70's. The number of test takers since 2001 has also increased by over 75%. So another indication of the reforms and the accountability that we are building across the University is really showing itself in very real terms.

**Mr. Chairman**, I am also pleased to report that new faculty scholarship productivity index placed ten of **CUNY's Graduate School Center** Ph.D. programs among the top ten in the country with six in the top five. This was reported in *The Chronicle of Higher Education* on January 12<sup>th</sup>. The work was done by Academic Analytics, a company that we know because Lawrence Martin, a colleague of ours at Stony Brook University was the one who over many years, talked about a very different paradigm in measuring productivity of faculty in Ph.D. programs--a very different approach than the National Research Council has in the past taken, which is largely driven by reputation.

I am going to turn it over to **President William Kelly** in just a minute, but let me just say, and he will elaborate about this in more detail, that the programs that have been delineated are largely in the arts and the humanities and straddle some of the social sciences. Unfortunately, in the sciences, the hard sciences, we continue not to fare well, and that is the reason that last year we established a science task force on Ph.D. level science. The subcommittees have been working for several months. We expect a reporting soon.

We already have put in place a financial platform that will for the first time allow this University to compete with some of the most able and promising doctoral students in the sciences and I want to thank our presidents and certainly members of the administration that have put this financial plan together. So, **President Kelly**, this is great news for you and for the University.

**Statement of President William P. Kelly:**

I am pleased to say a few words about the scholarly productivity index. As you have suggested the report proceeded from general and broadly felt dissatisfaction with the reputational rankings that heretofore had determined placement in quality in doctoral programs; a good deal of discussion since 1995 in our C rankings, the last time those rankings had been collected, about new metrics that might quantify in credible and transparent ways, the current quality of doctoral programs rather than reputation, which generally spoke to the past.

Academic Analytics, the firm that you just mentioned, is the entity responsible for the report and they settled on faculty productivity as the most promising and reliable of these measures. Their researchers reviewed 7,294 doctoral programs across the country at 354 universities and calculated the productivity of 177,816 faculty members. The data they gathered was of five kinds. They looked at the books that had been published by faculty members in doctoral programs, and they looked at articles published. They looked at citations of the work that faculty in the programs had received from other scholars. They looked at federal grants and they looked at prizes and awards.

Having gathered that data they weighted the information based on the importance within each discipline of those five factors, obviously the humanities books counting more than federal grants, which are rare in those disciplines, and in the sciences, books being less important than grants. The results of their calculations and their algorithms were published last week as you said as the lead article in *The Chronicle of Higher Education* and indeed **CUNY** did very well indeed. Ten of **The Graduate Center's** thirty-one programs were in the top ten in the country, six of those in the top five. Aggregated into broader categories as the report did, the humanities programs finished fourth in the United States behind Harvard, Yale and Princeton.

We are currently looking at the methodology of the report, studying the results, considering its implications for our own strategic planning, but there are a few conclusions that present themselves, I think, quite clearly. The first is that the doctoral faculty of the City University, some 1,600 members across our thirty-one disciplines, are extraordinarily productive, indeed among some of the most active scholars in the United States, every one of our humanities and every one of our social science programs ranks above the national mean in their disciplines.

This is a great achievement for **The Graduate Center** to be sure, a validation of our faculty renewal efforts over the last six or seven years but more important, it is, I think, an endorsement of the **CUNY** faculty in general, as the lion's share of the doctoral faculty are drawn from the **CUNY** colleges. So in celebrating these results this is a University achievement, not simply a **Graduate Center** event. I think it is also a ringing endorsement of the consortial system, first because of the depth and strength of faculty the consortial system enables us to gather, but second because of the flexibility that it presents. These measures were not simply based on counting the number of books, but they were creating percentages within each program of faculty who were active and productive scholars.

So because we were able through the consortial system to alter our faculty on an annual basis, we were able to do extremely well in these rankings. I think it is also objective evidence of the renaissance this University has enjoyed under your leadership and that of the **Board of Trustees**. There is much here, I think, for all of us to celebrate and be very proud about.

I think it demonstrates beyond a shadow of a doubt that **CUNY** is a research University and not simply a teaching college, or a set of teaching colleges. They ranked all the universities that they examined as research universities based on this data and **The Graduate Center** was ranked 36<sup>th</sup> in the country. I think that speaks again to the research efforts of what we are about.

Finally, I'd second your point about the importance of the science initiatives. As I said, all of our humanities and social science programs outpace their national means, but among science programs only engineering ranked above the national mean. With additional strength there, the University's position among research universities in the United States will certainly increase.

In short, I think it is great good news for all of us and an endorsement not just of what has been happening at this University but of the faculty who have so enriched us with their presence. I want to thank you on behalf of **The Graduate Center** for all that the University has done to enable these results to come to fruition. Thank you.

**Chancellor Matthew Goldstein** continued with his oral report, stating that I would like to commend **President Regina Peruggi** on the \$1.6 million grant for **Kingsborough Community College's** *Project Welcome: Responding to Job Opportunities in New York City's Hospitality Industry*.

Kudos to **President Gregory Williams**, who worked very closely with the Chair of the Business Leadership Council, Sy Sternberg, the CEO and President of New York Life Insurance Company who made a \$10 million gift to the Colin Powell Center at **City College**. I was pleased to participate with **President Williams**, Secretary Powell and Sy Sternberg in the announcement of the gift. It was a great event at **City College**.

I would like to mention that **Senior Vice Chancellor and Secretary Jay Hershenson** has joined a prominent five member advisory board established by Ogilvy North America on diversity and he will be working out new collaborations between **CUNY** and the advertising industry.

Lastly, **Mr. Chairman**, we are working very closely with **President Antonio Perez** of **Borough of Manhattan Community College** on Fiterman Hall's public information systems that we have put in place. We have established a Fiterman Hall Community Advisory Committee. They will meet on Friday, February 9<sup>th</sup>, together with the input of the Community Planning Board, and in cooperation with the Office of Speaker Sheldon Silver.

**Upon motions duly made, seconded and carried, the following resolutions were adopted: (Calendar Nos. 1 through 5)**

**NO. 1. CHANCELLOR'S UNIVERSITY REPORT:** RESOLVED, That the Chancellor's University Report for January 29, 2007 (including Addendum, Errata, and Table Items) be approved:

**(a) ADDENDUM:** Add the following:

**D.49. THE CENTRAL OFFICE – TITLE CHANGE AND SALARY CHANGE – EXECUTIVE COMPENSATION:**

<b>DEPARTMENT TITLE</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>PRIOR SALARY DATE</b>	<b>PROPOSED SALARY DATE</b>	<b>EFFECTIVE DATE(S)</b>
Budget and Finance University Assistant Administrator Executive Assistant to the Vice Chancellor for Budget and Finance	Taylor	Gordon	\$113,803	\$140,000	2/1/07
(Budget and Finance) (University Administrator) (University Director of Internal Audit and Management Services)					

**NO. 2. APPROVAL OF MINUTES:** RESOLVED, That the minutes of the regular Board meetings and Executive Session of November 27, 2006 (including Addendum and Errata Items) be approved:

**NO. 3. COMMITTEE ON ACADEMIC POLICY, PROGRAM, AND RESEARCH:** RESOLVED, That the following items be approved:

**A. GRADUATE SCHOOL AND UNIVERSITY CENTER – LETTER OF INTENT FOR A DOCTOR OF PUBLIC HEALTH (DPH):**

RESOLVED, That the letter of intent for a proposed program in Public Health leading to the Doctoral degree to be offered by the Graduate School and University Center, be approved, January 2007, subject to financial ability.

**EXPLANATION:** Currently, Brooklyn, Hunter and Lehman Colleges offer programs in Public Health leading to the Master's in Public Health degree and other closely related disciplines. In 2002, with the support of a CUNY Workforce Development Award, faculty from these campuses and the Graduate School convened a group of representatives from government agencies, large voluntary health organizations and research institutions, to elicit their views on workforce needs in public health. The participants who attended the meeting emphasized the difficulty of finding suitable candidates to fill senior level positions in public health, particularly urban public health, who have a deep understanding of complex health problems and a capacity to go beyond their specific (often narrow) expertise, and who can apply a variety of methodologies to a problem at hand.

In response, the faculty began to plan and develop a doctoral program to prepare graduates to fulfill a variety of needs at various levels in the public health sector. The letter of intent for a Doctoral program in Public Health evolved to meet the needs of public health professionals and researchers who have earned a Master of Public Health or related degree, have at least three years of public health related work experience, and who are interested in obtaining advanced education and skills that will enable them to become future leaders in public health.

Graduates of the proposed program are expected to meet the need for interdisciplinary public health researchers and practitioners who can work across levels of analysis, disciplines and social sectors (e.g., health, education, environment, criminal justice, etc.). Students will have the opportunity to specialize in one of four areas: Community, Society, and Health; Epidemiology; Occupational and environmental Health; or Health Policy and Management. All graduates will be prepared to serve as a resource for New York City and other urban areas on urban health issues.

#### **B. LEHMAN COLLEGE – TWO GRADUATE PROGRAMS IN EDUCATIONAL LEADERSHIP:**

RESOLVED, That the two programs in Educational Leadership, one leading to the Master of Science in Education degree in Educational Leadership as School Building Leader (SBL) and the other leading the Advanced Certificate in Educational Leadership as School District Leader (SDL), be approved, effective September 2007, subject to financial ability.

EXPLANATION: The purpose of the proposed programs is to prepare candidates for positions of school building leaders (e.g., principals, department chairs) and school district leaders (e.g., superintendents, assistant superintendents) in public school systems, with an emphasis on urban education, and to fulfill the New York State licensure requirements for School Building Leader and School District Leader. The curriculum is designed to integrate practice with theory. Extensive field-based experiences, in collaboration with schools and community agencies, will be a central component of these programs.

The basic need for these programs derives from three major factors: 1) the social, economic, and demographics of the Bronx and their correlation with education and student achievement; 2) the increasing demands for educational accountability that federal and state governments place on P-12 schools, the current need to prepare competent and committed P-12<sup>th</sup> grade principals, and region/district leaders who can manage these demands, effect positive change in urban schools, and increase learning among diverse-student populations; and 3) the contributions graduate programs in education leadership will make to Lehman College.

#### **Statement of Trustee Hugo Morales:**

I just wanted to say that I really want to congratulate the leadership of **Dr. Ricardo R. Fernandez** at **Lehman College**. These two programs are really great extensions for The Bronx. We are going to develop the leaders of tomorrow's public schools, we have it right here.

I also mentioned during the academic meeting that we had that it was very essential and important that you convene another meeting with HADASA so that we are able to work out the problems that they were mentioning before, why they couldn't participate in this kind of a program. I think that this is absolutely necessary if we are going to move forward with this.

#### **C. THE CITY UNIVERSITY OF NEW YORK – STUDENT COMPLAINT PROCEDURE:**

RESOLVED, That the procedures for handling student complaints about faculty conduct in formal academic settings be adopted, effective February 1, 2007.

EXPLANATION: Although the University and its Colleges have a variety of procedures for dealing with student-related issues, those procedures generally have not covered student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. At the same time, however, the University recognizes its responsibility to establish procedures for addressing student complaints about faculty conduct that is

not protected by academic freedom and not addressed in other procedures. The proposed procedures will accomplish this goal.

**PROCEDURES FOR HANDLING STUDENT COMPLAINTS ABOUT FACULTY  
CONDUCT IN ACADEMIC SETTINGS**

I. Introduction. The University and its Colleges have a variety of procedures for dealing with student-related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, student elections, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered by other procedures concerns student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.

II. Determination of Appropriate Procedure. If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has.

III. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.

IV. Formal Complaint. If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the academic dean or a senior faculty member designated by the college president. (This person will be referred to below as the "Fact Finder.")

A. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.

B. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the academic dean or the senior faculty member designated by the college president a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder.

C. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the campus ombudsman or other appropriate person to facilitate informal resolution.

D. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and

information and shall also consult with the chief student affairs officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.

E. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

V. Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

VI. Subsequent Action. Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member's personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.

VII. Campus Implementation. Each campus shall implement these procedures and shall distribute them widely to administrators, faculty members and students and post them on the college website.

VIII. Board Review. During the spring 2009 semester, the Chancellery shall conduct a review of the experience of the colleges with these procedures, including consultation with administrators, faculty and students, and shall report the results of that review to the Board of Trustees, along with any recommended changes.

**Statement of Chancellor Goldstein:**

Just very briefly, as the Chairman and I and other members of the Board at public hearings have said, we take these proceedings very seriously. We listened and the degree to which we can amend ideas, actions, procedures, policies before they are brought to the Board on the basis of what we hear, we will do that.

Tonight as we deliberate about this set of procedures, this is a good example of how that process can work. After the public hearing which was a marathon for those of you who were there, it lasted slightly over five hours, but we stayed and we listened and took copious notes.

Our General Counsel, the Chairman and I had a conversation. I met with the Executive Committee of the **University Faculty Senate** that **Trustee Manfred Philipp** officiates and told them last week that we will be thinking seriously about making some alterations in the policy that was a result of what we heard from students and what we heard from faculty as well.

As I turn this over to **General Counsel and Senior Vice Chancellor Frederick P. Schaffer**, who is the architect of these procedures, and who has worked tirelessly for many months with many different constituencies, I start by saying that a good example of good governance is demonstrated tonight of how an administration and a Board will reflect on how to make something better than it as when it was originally designed, even though it went through so many iterations.

**Statement of General Counsel and Senior Vice Chancellor Frederick P. Schaffer:**

These procedures recognize that students are a vital part of the University and have interests deserving of protection. They will provide a simple, clear and effective mechanism for protecting students while safeguarding academic freedom and the due process rights of faculty.

The vast majority of our faculty are dedicated teachers and scholars who treat students in a fair, compassionate and professional manner. However, students occasionally have complaints about how they are treated in the classroom and other academic settings.

As the student speakers at last week's public hearing made clear, such complaints, unfortunately, are not rare and many students are unaware of how to seek redress. In fact, although we have a number of specific policies on such matters as sexual harassment and grade appeals, few of our campuses have procedure for dealing with other more general kinds of complaints. Students often do not know where to turn. When complaints have been made, they have been dealt with on an ad hoc basis and occasionally not very well.

Students, like faculty, are entitled to have and to know of some process by which they can make complaints. Therefore, it seems appropriate to adopt a set of simple, fair and expeditious procedures to insure that such student complaints will be addressed. The proposed procedures are designed to resolve such complaints informally and only if that is not possible to establish a mechanism for a preliminary investigation that will provide the college presidents with the facts and recommendations relating to the complaint.

The purpose is not to supercede the existing disciplinary procedures relating to faculty conduct contained in Article 21 of the Collective Bargaining Agreement. In addition these procedures make clear that academic freedom is of paramount importance and that student complaints must be considered with scrupulous care not to interfere with faculty conduct that is protected by academic freedom.

Finally, as the Chancellor has mentioned, the proposed procedures were developed through lengthy consultation with all of the University's constituencies—faculty, students and administrators. They have been revised in significant ways as a result of such consultation. Indeed, you will see from the memo you have before you that a few additional modifications have been made based on comments made at the public hearing.

Not surprisingly, not all of our constituencies had the same perspective. Recommendations by one group were sometimes opposed by others and indeed even among administrators, faculty and students, there were a variety of views. The resulting proposal represents an effort to take all of their concerns and recommendations into account and still have a coherent and workable set of procedures. Thank you.

**Statement of Trustee Manfred Philipp:**

The proposed student complaint procedure has clearly been the most contentious item that I have seen since I became chair of the **UFS** and, of course, it would be very good if no other contentious items came down the road. Having said that, I think the revisions that you see in the current document are positive revisions. I can't really say more because I have been behind a steering wheel all day and haven't actually read anymore than what you see in the memorandum from **General Counsel and Senior Vice Chancellor Schaffer**. So if I had a vote in this group, I could not give it at this point, because I have to read what I will be voting on. At the same time I would like to thank **Chairman Schmidt** and **General Counsel and Senior Vice Chancellor Schaffer** for the conversations, discussions and, in fact, the fact that these are positive revisions. Thank you.

**Statement of Trustee Freida Foster-Tolbert:**

I would like to thank the **Chancellor** and **General Counsel and Senior Vice Chancellor Schaffer** for the enormous amount of time they put into this policy. I think that for those of us who were at the hearing it was very informative and very telling of the need for this kind of a policy.

As I mentioned in our smaller committee meeting this is something that is proactive and it is something that is smart to do. It makes sense to have it in place. I have read it, read the provisions, the revisions and I think that they justifiably address a lot of the things that were said at the meeting. I think that once you get a chance to really look at it, you will see that they did take everything that was said into serious consideration and they placed it in there and it is a very good policy for us to begin with, first to remember that we can, in fact, tweak it in two years, I believe it is and, you know, this is a great beginning for us. So I do speak in favor of the policy.

**Statement of Trustee Robert Ramos:**

I would like to also thank **General Counsel and Senior Vice Chancellor Schaffer** and **Chancellor Goldstein** for bringing this issue to light in the first place. I think for many years students have dealt with faculty complaints. As evident from the public hearing, which I was at for the five plus hours that we were there, there are many cases and instances in which students do have complaints and many times they aren't resolved because the procedures in place are not beneficial to them.

I think these procedures do set a good framework for students, it gives them a chance, a number of different opportunities to have their case heard from where it is to the first person they speak to whether it be the chairperson of the department or someone else that can be designated as with the new change that was implemented and also to the appeals process, which is not evident on most campuses, there isn't an appeal once you go to your department chair.

I think this procedure is very good in helping students get their issues resolved and it may not be resolved in their favor, but at least it will give them the opportunity to have their case heard and they won't feel that they are being railroaded in any way.

So I want to again express my thanks for bringing this issue and tackling it the way it was tackled and also coming to the **University Student Senate** and asking for our input and some of our suggestions were taken and I want to thank you again for that. There is one question I did want to ask about one of the changes that was in place, change #5, where it talks about the fact finder being able to dismiss the case of the student if it affected the right of the professor because of academic freedom. I wanted to ask does that preclude the student from still going to the appeals process with the case.

**Statement of General Counsel and Senior Vice Chancellor Frederick P. Schaffer:**

Thank you, Robert. You and I discussed that yesterday and I am glad you asked it so I could make it clear. I think the language is pretty clear, but for the record, there is a right of appeal no matter what the result, including cases where in effect a motion to dismiss has been granted based on the complaint itself, because the facts taken as true, and viewed in a light most favorable to the student are found to involve subjects that would infringe upon academic freedom. That, like any other ruling of the fact finder, may be appealed and the appeals committee, as it makes clear, has the right to reverse and remand if they disagree.

**Statement of Trustee Jeffrey S. Wiesenfeld:**

This policy is a very forward innovation for the University because it takes the University to a different level. Schools that are regarded as Ivy League around the country that lack this type of policy have gotten into problems with intellectual dishonesty or worse. It is not a question, as some members of the **University Faculty Senate** feel, that there are students that are looking for means to persecute professors, but it is a matter of putting forth a policy that raises the level of the University to an appropriate one where there is redress for those things that we have seen elsewhere in the country, which is best not to bring up at this point.

**Statement of Chairman Benno C. Schmidt, Jr.:**

Thank you. Just for the record, I would like to say that two of the revisions make it absolutely clear that academic freedom at this University is paramount and that this complaint procedure will not infringe on it.

Having said that I would just like to note, because it didn't come up very often at the public hearing actually, that, of course, faculty are not the only citizens of the University who enjoy academic freedom, students have rights of academic freedom as well, even Trustees. I think the revisions make that point very clear and I am very pleased to support the adoption of this procedure for the reasons expressed.

**Statement of Trustee Manfred Philipp:**

I would just like to note that from the **UFS'** point of view, this University does need a statement by the **Board of Trustees** on academic freedom. In general, the existing statement made by the Council of Presidents is, in our view, not a Board statement and, therefore, the Board ought to have a statement of its own. That is missing and that is work yet to be done.

**Statement of Chairman Benno C. Schmidt, Jr.**

Well, there is no question, as a matter of the internal policies of the University, that the statement to which you refer clearly represents the policy of the University. So the University has a very clear stated policy on academic freedom, whether that might be looked at again at some point is a different question. But I just do want to say for the record that the University has a clear stated policy on academic freedom, and has since 1946.

**NO. 4. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION:** RESOLVED, That the following items be approved:

**A. BARUCH COLLEGE – ESTABLISHMENT OF THE DAVID KRELL CHAIR IN FINANCE AT THE ZICKLIN SCHOOL OF BUSINESS:**

RESOLVED, That the Board of Trustees of The City University of New York approve the establishment of the David Krell Chair in Finance at the Zicklin School of Business at Baruch College.

EXPLANATION: David Krell (MBA Class of 1971) has been a loyal alumnus, friend and supporter of Baruch College. He has served with distinction as a member of the Weissman Center for International Business Advisory Council. Mr. Krell has had a distinguished career in finance and business and is currently President and CEO of International Securities Exchange, Inc. He has provided a generous gift of \$2 million to endow a chair in finance.

Income from the endowment will assist the Zicklin School of Business in recruiting or retaining an outstanding senior faculty member of the Department of Economics and Finance.

**B. QUEENS COLLEGE – ESTABLISHMENT OF THE JERRY AND WILLIAM UNGAR PROFESSORSHIP IN JEWISH STUDIES:**

RESOLVED, That the Board of Trustees of The City University of New York approves the establishment of the Jerry and William Ungar Professorship in Jewish Studies.

EXPLANATION: William Ungar and his wife, Jerry Ungar (Queens College Class of 1982) have pledged a gift of \$500,000, payable to the Queens College Foundation, to endow this professorship. Should the Ungars not complete the gift during their lifetime, their estate will fulfill the remainder of the pledge.

Mr. Ungar, a Holocaust survivor, came to this country virtually penniless and founded the largest privately-held envelope company in the United States, National Envelope Corporation. He is the author of a number of books on the Holocaust and a member of the Queens College Center for Jewish Studies Advisory Board. In the past, Mr. and Mrs. Ungar have donated more than \$166,000 to the Queens College Center for Jewish Studies.

Funds from the endowment will support programs in the study of the Holocaust and tolerance.

**C. QUEENS COLLEGE – ESTABLISHMENT OF THE KALLINIKEION PROFESSORSHIP IN BYZANTINE HISTORY/BYZANTINE ART:**

RESOLVED, That the Board of Trustees of The City University of New York approves the establishment of the Kallinikeion Professorship in Byzantine History/Byzantine Art at Queens College of The City University of New York.

EXPLANATION: The Kallinikeion Foundation has donated \$400,000 to the Queens College Foundation towards the endowment of this professorship. While the total endowment for this Professorship is \$500,000, the Advisory Board of the Queens College Center for Byzantine and Modern Greek Studies has contributed \$100,000 to supplement the amount contributed by the Kallinikeion Foundation.

The late Alexandra Kallin, a Greek immigrant to the United States in the late 1930's, established the Kallinikeion Foundation. Ms. Kallin taught Greek both at the Greek American Institute in the Bronx and privately to the children of Greek ship owners who came to New York during World War II seeking refuge from the London bombings. One ship owner was so grateful for the education that his son received that he gave Ms. Kallin a substantial gift in 1944 which she successfully invested in the stock market. She founded the Kallinikeion Foundation prior to her death in 2003 at the age of 97. While Ms. Kallin had no formal relationship with Queens College, her Foundation has supported the Center for Byzantine and Modern Greek Studies at Queens since she made the acquaintance of Professor Harry Psomiadis, the Center's founder and former director.

The mission of the Kallinikeion Foundation is the promotion of the study of the Greek language, both ancient and modern, and Greek and Byzantine culture.

Funds from the endowment will be used to support programs and the professorship in Byzantine History/Byzantine Art.

**D. THE CITY UNIVERSITY OF NEW YORK – POLICY ON ACCEPTABLE USE OF COMPUTER RESOURCES:**

RESOLVED, That the Policy governing the acceptable use of computer resources owned, operated, or contracted by The City University of New York be adopted, effective February 1, 2007.

**NOTE: See Appendix A**

EXPLANATION: The current CUNY statement on the use of computer resources, entitled "The City University of New York Computer User Responsibilities", was last revised in 1995, before the use of e-mail and the Internet became commonplace modes of communication and information gathering. That statement was not presented to the Board for approval. The proposed policy is intended to address issues common to the various types and uses of current technology, particularly issues of privacy, confidentiality and security. The new policy also clarifies CUNY's right of access to CUNY computer resources in certain situations, as well as the limitations on that right. In addition, while the current statement prohibits all personal use of CUNY computer resources, the proposed policy permits incidental personal use under certain circumstances.

**Statement of General Counsel and Senior Vice Chancellor Frederick P. Schaffer:**

Just very briefly, I want to point out that this policy has been many years in gestation. There was a task force formed to review University policies around the country and to draft a policy very much in the mainstream of what other colleges and universities have. Several presidents, faculty members and administrators served on that task force. The resulting draft was then vetted with various university constituencies and now after pretty close to three years we have the final product which we think is an excellent policy, very much, as I said, in the mainstream and one that will be clear and workable and I urge you to adopt it. Thank you.

**Statement of Trustee Manfred Philipp:**

Members of the Board will recall that at the committee level the faculty representative voted to abstain and that abstention reflected the diversity of faculty opinions about this document. At the same time this Board ought to know that both I and Professor Lenore Beaky, who is here in the room, have expressed our great willingness to take our part in the execution of this policy as it is listed in the document.

**E. COLLEGE OF STATEN ISLAND – NAMING OF THE ROTUNDA OF THE COLLEGE OF STATEN ISLAND LIBRARY, THE EDMOND L. VOLPE ROTUNDA:**

RESOLVED, That the Board of Trustees of The City University of New York approves the naming of the Rotunda of the College of Staten Island Library, the Edmond L. Volpe Rotunda.

EXPLANATION: Dr. Edmond L. Volpe, the first President of the College of Staten Island, served in that capacity from 1974 until 1994. In the early years of his tenure, Dr. Volpe presided over the complex mission of merging Staten Island Community College and Richmond College, an upper-division institution; during the later years of his presidency, he devoted much of his talent and energy to securing the site at Willowbrook where, in 1993, the College was finally unified in its present magnificent 204-acre home. The design and construction of the CSI Library, one of the campus' five new buildings, was of particular moment to Dr. Volpe, a respected scholar of American literature and, in particular, of William Faulkner. From 1954 to 1974, prior to his appointment as President, Dr. Volpe had been Professor of English at The City College of New York and, from 1964 to 1974, Chairperson of The City College English Department. The naming of the Library Rotunda is a fitting tribute to Edmond Volpe's significant and lasting contributions to the College of Staten Island and to The City University of New York.

**F. THE CITY UNIVERSITY OF NEW YORK – PERFORMANCE BONUS PROGRAM FOR FULL-TIME EXCLUDED INSTRUCTIONAL STAFF:**

RESOLVED, That the Board of Trustees of The City University approves the Performance Bonus Program for full-time Excluded Instructional Staff.

**NOTE: See Appendix B**

EXPLANATION: In an effort to recognize exceptional work in service to the University, and reward high performance of staff who are not represented by any Collective Bargaining Agent, the University proposes to introduce a bonus program which will allow eligible employees to receive lump sum, non-base bonuses subject to eligibility requirements and at the discretion of the College President.

**G. AMENDMENTS TO THE BYLAWS OF THE BOARD OF TRUSTEES:**

RESOLVED, That Articles VI and XI of the Bylaws be amended to read as follows:

**NOTE: Matter underlined is new; matter in brackets is deleted.**

## Section 6.1. INSTRUCTIONAL STAFF.

The instructional staff shall consist of the persons employed in the following titles:

Chancellor	Law school instructor
Executive vice chancellor	Law school library professor
Chief operating officer	Law school library associate professor
Senior vice chancellor	Law school library assistant professor
Vice chancellor	Law school adjunct professor
University administrator	Law school adjunct associate professor
University associate administrator	Law school adjunct assistant professor
University assistant administrator	Law school adjunct instructor
President	Law school lecturer
Vice president	Visiting professor
Assistant vice president	Visiting associate professor
University dean	Visiting assistant professor
University associate dean	Adjunct professor
University assistant dean	Adjunct associate professor
Dean	Adjunct assistant professor
Associate dean	Adjunct lecturer
Assistant dean	Lecturer (full-time)
Administrator	Lecturer (part-time)
Associate administrator	Instructor
Assistant administrator	Instructor (nursing science)
Distinguish professor	Research associate
Professor	Research assistant
Associate professor	Clinical assistant
Assistant professor	Senior registrar
Distinguished lecturer	Registrar
<u>Distinguished lecturer – medical series</u>	Associate registrar
<u>Distinguished lecturer – law school series</u>	Assistant registrar
Medical professor (basic sciences)	Registrar's assistant
Associate medical professor (basic sciences)	Chief college laboratory technician
Assistant medical professor (basic sciences)	Senior college laboratory technician
Medical lecturer	College laboratory technician
Adjunct medical professor (basic sciences)	Chief college physician
Adjunct associate medical professor (basic sciences)	College physician
Adjunct assistant medical professor (basic sciences)	Higher education officer
Adjunct medical lecturer	Higher education associate
Medical professor (clinical)	Higher education assistant
Associate medical professor (clinical)	Assistant to higher education officer
Assistant medical professor (clinical)	Business manager
Adjunct medical professor (clinical)	Assistant business manager
Adjunct associate medical professor (clinical)	Assistant to business manager
Adjunct assistant medical professor (clinical)	Placement director
Law school professor	Education and vocational counselor
Law school associate professor	Continuing education teacher
Law school assistant professor	

And in the Hunter college elementary school and  
Hunter College high school

Principal  
Chairperson of department  
Teacher  
Assistant teacher  
Temporary teacher  
teacher

Guidance counselor  
Librarian  
College laboratory technician  
Substitute teacher  
Occasional per diem substitute

And in the childhood centers

Teacher

Assistant teacher

And in the educational opportunity centers (EOC)

- Educational opportunity center adjunct lecturer
- Educational opportunity center adjunct college laboratory technician
- Educational opportunity center college laboratory technician
- Educational opportunity center higher education officer
- Educational opportunity center higher education associate
- Educational opportunity center higher education assistant
- Educational opportunity center assistant to higher education officer
- Educational opportunity center lecturer

Section 6.2. PERMANENT INSTRUCTIONAL STAFF-TENURE.

The permanent instructional staff shall consist of those persons who have been granted tenure under any of the provisions enumerated in subds. a, b, c, d, e, f, and g below and in section 6.3. subds. a, b, and d.

- a. (1) Appointments before September 1, 2006 – A person employed before September 1, 2006 full-time on an annual salary in the title of professor, associate professor, assistant professor, medical professor (basic sciences), associate medical professor (basic sciences), assistant medical professor (basic sciences), medical professor (clinical), associate medical professor (clinical), assistant medical professor (clinical), law school professor, law school associate professor, law school assistant professor, law school library professor, law school library associate professor, law school library assistant professor, instructor (nursing science), senior registrar, registrar, associate registrar, assistant registrar, chief college laboratory technician, senior college laboratory technician, college laboratory technician, and in the hunter college high school and hunter college elementary school (but not in the early childhood center program), principal, chairperson of department, teacher, guidance counselor, and librarian, or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for five years continuously, has been appointed or shall be appointed for a sixth full year, shall have tenure effective on the first day of September following his/her reappointment for the sixth full year.
- (2) Appointments on or after September 1, 2006 –
  - (a) A person employed on or after September 1, 2006 full-time on an annual salary in the title of professor, associate professor, assistant professor, medial professor (basic sciences), associate medical professor (basic sciences), assistant medical professor (basic sciences), medical professor (clinical), associate medical professor (clinical), assistant medical professor (clinical), law school professor, law school associate professor, law school assistant professor, law school library professor, law school library

associate professor, law school library assistant professor, instructor (nursing science) or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for seven full years continuously, has been appointed or shall be appointed for an eighth full year, shall have tenure effective on the first day of September following his/her reappointment for the eighth full year.

- (b) A person employed on or after September 1, 2006 full-time on an annual salary in the title of senior registrar, registrar, associate registrar, assistant registrar, chief college laboratory technician, senior college laboratory technician, college laboratory technician, and in the hunter college high school and hunter college elementary school (but not in the early childhood center program), principal, chairperson of department, teacher, guidance counselor, and librarian, and in the educational opportunity centers, educational opportunity center college laboratory technician, or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for five full years continuously, has been appointed or shall be appointed for a sixth full year, shall have tenure effective on the first day of September following his/her reappointment for the sixth full year.
- b. Persons promoted to the rank of professor shall be granted tenure after not more than four years of continuous full-time service on an annual salary in positions on the instructional staff.
- c. A distinguished person of proven record appointed to the title of professor, who had tenure in another accredited institution of higher learning, may be appointed with immediate tenure by the board in its discretion.
- d. (1) Appointments before September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than five years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning.
- (2) Appointments on or after September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than seven years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning.
- e. A person who has attained tenure under one of the provisions of Section 6.2. or Section 6.3. of these bylaws in an educational unit under the jurisdiction of the board of trustees, and who is subsequently appointed to a comparable position on an annual salary basis in another education unit under the jurisdiction of the board, shall retain his/her tenure.
- f. The decision of the board to reappoint with tenure a person in a title for which seven years of full-time continuous service is required for achieving tenure shall be communicated in writing to the person affected not later than December first preceding the expiration of the seventh full year of service. The decision of the board to reappoint with tenure a person in a title for which five years of full-time continuous service is required for achieving tenure shall be communicated in writing to the person affected not later than December first preceding the expiration of the fifth full year of service. Where an appointee begins his/her service after September thirtieth the tenure period shall not begin until the succeeding September first, and when an appointment is made during the month of September, the appointment shall date as of September first of that year for the purposes of tenure.

- g. A person in a title on the permanent instructional staff who interrupts her service for maternity leave duly granted to her by the board shall not suffer from an interruption of the service period required for tenure. A period of creditable service immediately preceding such absence shall be counted in computing the years of service required by this section.

#### Section 6.4. ADMINISTRATIVE CERTIFICATE OF CONTINUOUS EMPLOYMENT.

- a. Persons who have been employed and have served as teachers or counselors in the title of lecturer continuously on a full-time basis for five or more years, or for ten or more semesters, and who were paid from tax levy funds, and who were reappointed effective as of September 1, 1969, for a sixth, or more, full-time continuous year, or for an eleventh, or more, full-time continuous semester, shall be granted an administrative certificate of continuous employment which shall be effective September 1, 1969.
- b. Persons who have been employed and who have served as teachers or counselors in the title of lecturer on a full-time basis for five, or more, years cumulatively since 1961 and who were employed to teach on a full-time basis in the title of lecturer effective as of September 1, 1969, may, upon their next reappointment to a teaching or counseling position in the title of lecturer (full-time), be granted an administrative certificate of continuous employment. (This provision shall be operative until September 1, 1971.)
- c. Persons who have been employed and have served as teachers or counselors for five full years and who are reappointed for a sixth full year of continuous full-time service in the title of lecturer (full-time), [or] medical lecturer, or educational opportunity center lecturer shall be granted an administrative certificate of continuous employment.

Where an appointee begins his/her service at any time after September thirtieth, the time toward the award of an administrative certificate of continuous employment shall not start to accrue until the first of September following the appointment, except that an appointment made during the month of September shall be deemed to be an appointment as of September first of that year for purposes of an administrative certificate of continuous employment.

- d. The administrative certificate of continuous employment shall be valid only in that college which issues the certification and shall carry with it the guarantee of full-time reappointment in that college subject to continued satisfactory performance, stability in academic program, sufficiency of registration, and financial ability.

#### Section 6.5. APPOINTMENTS WITHOUT TENURE.

Nothing contained in this article shall be construed as conferring or permitting tenure, or service credit toward the achievement of tenure in the positions of chancellor, executive vice chancellor, chief operating officer, sr. vice chancellor, vice chancellor, university administrator, university associate administrator, university assistant administrator, president, vice president, assistant vice president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, administrator, associate administrator, assistant administrator, director of campus schools, department chairperson, chief librarian, principal, supervisor, distinguished professor, distinguished lecturer, distinguished lecturer – medical series, distinguished lecturer – law school series, medical lecturer, adjunct medical professor (basic sciences), adjunct associate medical professor (basic sciences), adjunct assistant medical professor (basic sciences), adjunct medical professor (clinical), adjunct associate medical professor (clinical), adjunct assistant medical professor (clinical), adjunct medical lecturer, law school instructor, law school lecturer, law school adjunct professor, law school adjunct associate professor, law school adjunct assistant professor, law school adjunct instructor, visiting professor, visiting associate professor, visiting assistant professor, adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct lecturer, higher education officer, higher education associate, higher education assistant, assistant to higher education officer, higher education intern, research associate, research assistant, clinical assistant, lecturer (full-time), lecturer (part-time), instructor appointed after October 1, 1968; business manager, assistant business manager, assistant to business manager, continuing education teacher, occasional per diem substitute teacher, educational opportunity center adjunct lecturer, educational opportunity center adjunct college laboratory technician, educational opportunity center higher education

officer, educational opportunity center higher education associate, educational opportunity center higher education assistant, educational opportunity center assistant to higher education officer, educational opportunity center lecturer, all positions in the early childhood centers programs, or any other instructional positions not included on the permanent instructional staff, except that prior service as a full-time lecturer or lecturer (full-time) may be considered toward the award of tenure to persons in a title on the permanent instructional staff. Appointment to any such non-tenure-bearing position, or removal therefrom, however, shall not deprive the person so appointed or removed of tenure in the highest position on the staff held with tenure prior to his/her appointment to such office, or conjointly with such office, nor shall such appointment or removal deprive any person of service credit toward the achievement of tenure under the provisions of this article.

Section 11.47. EDUCATIONAL OPPORTUNITY CENTER LECTURER.

A. Position Definition:

Educational opportunity center lecturers shall perform teaching and related faculty functions on a full-time basis.

B. Qualifications:

For appointment as an educational opportunity center lecturer, a person must possess a baccalaureate degree and such other qualifications as may be necessary for the satisfactory performance of his/her instructional functions.

Section 11.48. EDUCATIONAL OPPORTUNITY CENTER ASSISTANT TO HIGHER EDUCATION OFFICER.

A. Position Definition:

An educational opportunity center assistant to higher education officer shall, generally under the supervision of an educational opportunity center higher education officer or college dean, perform such administrative duties as may be assigned to him/her.

B. Qualifications:

For appointment as an educational opportunity center assistant to higher education officer, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must show potential for significant achievement and growth. He/she must possess a baccalaureate degree.

Section 11.48. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION ASSISTANT.

A. Position Definition:

The duties of an educational opportunity center higher education assistant are generally to serve as an assistant to one of the major educational officers of an educational opportunity center with responsibility for a limited area of planning, research or professional and/or administrative duties as may be assigned.

B. Qualifications:

For appointment as educational opportunity center higher education assistant, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least four years of experience in one or more related areas and be sufficiently adaptable to apply such experience to the field in which his/her responsibility will lie. He/she must possess at least a baccalaureate degree and show definite potential for significant achievement and growth in the area to which he/she is assigned. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the four years of experience in determining qualifications for the position of educational opportunity center higher education assistant.

Section 11.48. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION ASSOCIATE.A. Position Definition:

The duties of an educational opportunity center higher education associate are:

- a. To serve as deputy for an educational opportunity center higher education officer or
- b. To assume administrative responsibility, in most instances under the general supervision of an educational opportunity center higher education officer or college dean for some major area of educational opportunity center activity or
- c. To develop some major aspect of new programs.

B. Qualifications:

For appointment as an educational opportunity center higher education associate, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least six years of related experience. He/she must be sufficiently well versed in the overall functions of the educational opportunity center to be able to serve as deputy for an educational opportunity center higher education officer, or to carry full responsibility, in most instances under the general supervision of a college dean for some major area of educational opportunity center activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the six years of experience in determining qualifications for the position of educational opportunity center higher education associate.

Section 11.49. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION OFFICER.A. Position Definition:

The duties of an educational opportunity center higher education officer are:

- a. To assume full responsibility for the educational opportunity center activity or for a major activity thereof or
- b. To develop some major aspect of new programs.

B. Qualifications:

For appointment as educational opportunity center higher education officer, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least eight years of related experience. He/she must be sufficiently well versed in the overall functions of an educational opportunity center to be able to assume full responsibility, answerable as a general rule to his/her college president or designee for the educational opportunity center or a major activity thereof. He/she must possess a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the eight years of experience in determining qualifications for the position of educational opportunity center higher education officer.

Section 11.50. EDUCATIONAL OPPORTUNITY CENTER COLLEGE LABORATORY TECHNICIAN.A. Position Definition:

An educational opportunity center college laboratory technician shall perform laboratory functions and other technical duties of a highly skilled nature which are reasonably related to such functions but which are nevertheless non-teaching. An educational opportunity center college laboratory technician, for example, shall provide lecture support in the form of set-ups of equipment displays and demonstrations and laboratory support for experiments and for research. Each educational opportunity center shall develop a specific job description which will be related to the laboratory or technical requirements of the educational opportunity center. Where appropriate, the technician shall exercise some supervision.

B. Qualifications:

For appointment as an educational opportunity center college laboratory technician, a person, in addition to possessing knowledge and skills related to the discipline, shall be a high school graduate possessing one of the following sets of minimum additional qualifications: (a) four (4) years of work or experience appropriate to the requirements of the educational opportunity center at a level of competence comparable to that indicated by apprenticeship in the skilled trades, or (b) an associate degree and a minimum of two (2) years of experience of the type described above, or (c) a bachelor's degree in an area appropriate to the duties to be performed, or (d) an appropriate combination of at least four (4) years of education and work experience beyond high school.

The candidate shall have the personal characteristics needed to work effectively with students and staff.

Section 11.51. EDUCATIONAL OPPORTUNITY CENTER ADJUNCT LECTURER.A. Position Definition:

A person employed as an educational opportunity center adjunct lecturer shall be assigned to teach part-time or perform related duties on a part-time basis at an educational opportunity center.

B. Qualifications:

For appointment as an educational opportunity center adjunct lecturer a person must have those qualifications or professional achievement and training comparable to those of faculty members in the rank of educational opportunity center lecturer.

Section 11.52. EDUCATIONAL OPPORTUNITY CENTER ADJUNCT COLLEGE LABORATORY TECHNICIAN.A. Position Definition:

A person employed as an educational opportunity center adjunct college laboratory technician shall perform the duties of an educational opportunity center college laboratory technician on a part-time basis.

B. Qualifications:

For appointment as an educational opportunity center adjunct college laboratory technician a person must have the same qualifications as an educational opportunity center college laboratory technician.

**EXPLANATION:** In the 2002-2007 PSC/CUNY collective bargaining agreement, the University negotiated an enhanced opportunity for the Sophie Davis School of Biomedical Education and the CUNY Law School to use the distinguished lecturer title with salaries in line with the schools' other salary schedules. The occasional per diem substitute title provides the Hunter College Elementary School and the Hunter College High School an option for covering occasional teacher absences. The proposed amendments incorporate these new titles into the list of instructional staff and the list of appointments without tenure.

The titles in the educational opportunity centers have been approved by the Board of Trustees in successive PSC/CUNY collective bargaining agreements since 1980. The purpose of this resolution is to incorporate the existing titles in the Bylaws with statements of the duties and qualifications for each title. An amendment to Section 6.2.a(2)(b) is proposed to recognize that educational opportunity center college laboratory technicians may achieve tenure under the terms stated therein. An amendment to Section 6.4.c. is proposed to recognize that educational opportunity center lecturers may achieve an administrative certificate of continuous employment under the terms stated therein.

**H. THE CITY UNIVERSITY OF NEW YORK – CONTINUATION OF MILITARY LEAVE AND EMPLOYER-PAID HEALTH AND WELFARE BENEFITS COVERAGE FOR UNIVERSITY EMPLOYEES RECALLED FROM THE RESERVES TO ACTIVE MILITARY SERVICE:**

RESOLVED, That the Board of Trustees of The City University of New York, in response to the continuing need for employees in the National Guard and Reserves to be activated for Military Service in response to the events of September 11, 2001, and in light of the wider campaign against terror, including military action in Iraq, hereby authorizes the continuation of Military Leave and Health and Welfare benefits for University employees in accordance with the following policies. These policies apply to employees of The City University of New York who are members of the National Guard, Reserve forces, or Reserve components of the armed forces of the United States.

**1. Supplemental Military Leave**

(a) The City University of New York will provide a temporary leave category called Supplemental Military Leave at full pay. Employees of The City University of New York who have been federally activated or activated by the Governor of New York State for military service between September 11, 2001 and December 31, 2007 will be granted Supplemental Military Leave with full pay after the exhaustion of military leave with full pay pursuant to Section 242 of the New York State Military Law. While on such Supplemental Military Leave, the eligible employee will be in full pay status for a period not exceeding 30 calendar days or 22 working days, whichever is greater, in addition to the leave that had been granted pursuant to Section 242 of the New York State Military Law.

(b) Employees shall be eligible to receive Supplemental Military Leave through December 31, 2007. Supplemental Military Leave shall not be granted for military service performed after December 31, 2007. In no event shall more than one such grant of Supplemental Military Leave be credited to any employee for activation related to the war on terror regardless of the number of times the employee is activated between September 11, 2001 and December 31, 2007.

**2. Military Leave At Reduced Pay**

(a) Employees shall be eligible to receive Military Leave at Reduced Pay through December 31, 2007. Military Leave at Reduced Pay status commences after the employee has exhausted Military Leave pursuant to Section 242 of the New York State Military Law, Supplemental Military Leave as set forth in paragraph 1 above, and any leave credits, other than temporary disability leave or sick leave, which the employee elects to use.

(b) Employees in Military Leave at Reduced Pay status will be paid their regular City University of New York salary (base pay) reduced by military pay (base pay plus housing and food allowances). The determination of rate of payment for the Military Leave at Reduced Pay will be based upon the employee's regular City University of New York salary as of his/her last day in full pay status and the employee's military pay on the first day of his/her activation, and shall not be subject to adjustment during the period of leave at reduced pay.

(c) Employees eligible for Military Leave at Reduced Pay will not be eligible to earn annual and temporary disability leave/sick leave accruals or to receive credit for holidays.

(d) In no event shall Military Leave at Reduced pay be granted for military service performed after December 31, 2007.

### 3. Continued Health Insurance Coverage

Covered dependents of eligible employees of The City University of New York, who are currently enrolled in a health plan with family coverage through The City University of New York and who have been federally activated or activated by the Governor of New York State for military service related to the war on terror shall continue to receive health insurance coverage with no employee contribution for a period not to exceed 12 months from the date of activation, less any period in which the employee remains in full-pay status. Contribution-free health insurance coverage will end at such time as the employee's active duty is terminated or the employee returns to City University of New York employment or December 31, 2007, whichever occurs first.

### 4. Other Provisions

The provisions of this resolution shall not apply to those employees who have voluntarily separated from City University of New York service or who are terminated for cause. Furthermore, the provisions of this resolution shall apply only for the period of time that the employee has an appointment with The City University of New York.

EXPLANATION: On October 22, 2001, November 18, 2002, March 29, 2004 and February 28, 2005 the Board of Trustees passed resolutions extending Military Leave and employer-paid health and welfare benefits coverage for University employees recalled from the Reserves to active military service in response to the events of September 11, 2001. This resolution authorizes the continuation of these benefits through December 31, 2007 in response to the need for employees to serve in the Armed Forces in light of the continuing evolution of the response to September 11, 2001 into a wider campaign against terror, including military action in Iraq.

This resolution, consistent with the policies being followed by the State of New York for its employees, authorizes, under certain conditions, the continuation of Supplemental Military Leave at full pay for the greater of 30 calendar days or 22 working days, in addition to the Military Leave provided pursuant to Section 242 of the New York State Military Law. Further, after exhaustion of the Supplemental Military Leave, this resolution authorizes a Military Leave at Reduced Pay for military service performed through December 31, 2007, whereby the employee will receive salary from The City University of New York equal to the difference between the employee's regular CUNY salary and the military pay he/she is receiving. Finally, this resolution authorizes the continuation (through December 31, 2007) of dependent health care coverage, under certain conditions, for employees recalled to active service related to the war on terrorism (less any period in which the employee remains in full-pay status).

#### **Report of Fiscal Affairs Committee Chair Joseph J. Lhota:**

Thank you, **Mr. Chairman**. The **Committee on Fiscal Affairs** did meet on January 8, 2007, and as you mentioned did not have any action items approved at the meeting but the Committee discussed some very important items. The Committee reviewed the status of the State and City budgets for the current Fiscal Year 2007 and the next Fiscal Year 2008.

The budgets for the senior colleges and the community colleges currently are stable and we are now evaluating the impact of the Mayor's Preliminary Budget as the Chancellor mentioned and we will be evaluating the Governor's Executive Budget for FY 2008 when it is released this coming Wednesday.

The **Subcommittee on Audit** also met and heard a presentation on the University's FY2006 Audited Financial Statements by the University's independent auditors, KPMG. Once again the University's financial statements received an unqualified opinion, a clean opinion, which means that the financial statements present fairly in all material respects the University's financial position as of the end of FY2006.

**NO. 5. HONORARY DEGREE:** RESOLVED, That the following honorary degree, approved by the appropriate faculty body, the college president and recommended by the Chancellor, be presented at the commencement exercise as specified:

**COLLEGE**

**DEGREE**

**HUNTER COLLEGE**

Sonia Sanchez

Doctor of Humane Letters

(Awarded at the January 18, 2007 Winter Commencement Exercises, following consultation with the Board of Trustees)

**Upon motions duly made, seconded and carried, the public meeting was recessed at 5:50 P.M., and the Board agreed to go into Executive Session to discuss personnel matters.**

**SECRETARY AND SENIOR VICE CHANCELLOR JAY HERSHENSON**



**MINUTES OF THE EXECUTIVE SESSION OF THE BOARD OF  
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

**HELD**

**JANUARY 29, 2007**

**AT BARUCH COLLEGE VERTICAL CAMPUS  
55 LEXINGTON AVENUE – BOROUGH OF MANHATTAN**

The Executive Session was called to order at 5:53 P.M.

There were present:

**Benno C. Schmidt, Jr., Chairman**

**Philip Alfonso Berry  
John S. Bonnici  
Wellington Z. Chen  
Rita DiMartino  
Joseph J. Lhota  
Randy M. Mastro**

**Hugo M. Morales  
Kathleen M. Pesile  
Carol A. Robles-Roman  
Marc V. Shaw  
Freida Foster-Tolbert  
Jeffrey S. Wiesenfeld**

**Robert Ramos, ex officio**

**Manfred Philipp, ex officio (non-voting)**

**Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs  
Jay Hershenson, Secretary and Senior Vice Chancellor for University Relations  
Hourig Messerlian, Deputy to the Secretary of the Board**

**Chancellor Matthew Goldstein  
Executive Vice Chancellor Selma Botman  
Executive Vice Chancellor Allan H. Dobrin  
Vice Chancellor Ernesto Malave  
Vice Chancellor Brenda Richardson Malone  
Vice Chancellor Garrie Moore  
Vice Chancellor Michael Zavelle  
University Dean Robert Ptachik**

The absence of Trustees Valerie Lancaster Beal and Sam A. Sutton was excused.

The Board went into Executive Session to discuss personnel matters.

Upon motion duly made, seconded and carried, the Executive Session was adjourned at 6:36 P.M. to go into Public Session.

**SECRETARY AND SENIOR VICE CHANCELLOR JAY HERSHENSON**



**MINUTES OF THE MEETING OF THE BOARD OF  
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

**HELD**

**JANUARY 29, 2007**

**AT BARUCH COLLEGE VERTICAL CAMPUS  
55 LEXINGTON AVENUE – BOROUGH OF MANHATTAN**

The Public Session reconvened at 6:39 P.M.

There were present:

**Benno C. Schmidt, Jr., Chairman**

**Philip Alfonso Berry  
John S. Bonnici  
Wellington Z. Chen  
Rita DiMartino  
Joseph J. Lhota  
Randy M. Mastro**

**Hugo M. Morales  
Kathleen M. Pesile  
Carol A. Robles-Roman  
Marc V. Shaw  
Freida Foster-Tolbert  
Jeffrey S. Wiesenfeld**

**Robert Ramos, ex officio**

**Manfred Philipp, ex officio (non-voting)**

**Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs  
Jay Hershenson, Secretary and Senior Vice Chancellor for University Relations  
Hourig Messerlian, Deputy to the Secretary of the Board  
Kisha Fuentes  
Towanda Lewis  
Anthony Vargas**

**Chancellor Matthew Goldstein  
Executive Vice Chancellor Selma Botman  
Executive Vice Chancellor Allan H. Dobrin  
Vice Chancellor Ernesto Malave  
Vice Chancellor Brenda Richardson Malone  
Vice Chancellor Garrie Moore  
Vice Chancellor Michael Zavelle**

The absence of Trustees Valerie Lancaster Beal and Sam A. Sutton was excused.

Upon motions duly made, seconded and carried, the following resolutions were adopted: (Calendar Nos. 7 and 8)

**NO. 7. BOROUGH OF MANHATTAN COMMUNITY COLLEGE – DECISION REGARDING PROMOTION OF YAKOV GENIS:**

RESOLVED, That action be deferred on the promotion of Yakov Genis, an Assistant Professor at Borough of Manhattan Community College, to Associate Professor pending the outcome of the investigation currently being conducted under the Interim University Policy Regarding Misconduct in Research and Related Activities.

EXPLANATION: The promotion of Yakov Genis from Assistant to Associate Professor at Borough of Manhattan Community College, effective September 1, 2006, was initially before the Board of Trustees for approval in June 2006. However, prior to the Board's June 26, 2006 meeting, the promotion was withdrawn from the University Report at the direction of the General Counsel and with the approval of the Chancellor based on allegations that Professor Genis may have engaged in conduct that violated the Interim University Policy Regarding Misconduct in Research and Related Activities, adopted by the Board of Trustees on January 29, 1990. An investigation under that Policy has been commenced and is being conducted under the direction of the University's Dean for Research. Once the investigation is concluded, the Board of Trustees will be apprised of the results and will determine whether to approve the promotion of Professor Genis.

**NO. 8. THE CITY UNIVERSITY OF NEW YORK – DESIGNATION OF VICE CHANCELLOR FOR FACILITIES PLANNING, CONSTRUCTION, AND MANAGEMENT:**

RESOLVED, That the Board of Trustees approve the appointment of Iris Weinshall to be Vice Chancellor for Facilities Planning, Construction, and Management, effective March 1, 2007, at a salary to be recommended by the Chancellor to the Board, subject to financial ability.

EXPLANATION: After a nationwide search chaired by New York City College of Technology President Russell Hotzler, two finalists were forwarded to the Chancellor and Executive Vice Chancellor and Chief Operating Officer for their consideration. Ms. Iris Weinshall, the selected candidate, brings a unique set of experiences to the position. Since 2000, Ms. Weinshall has been the Commissioner of the New York City Department of Transportation, with a staff of 4,300 employees, where she manages a \$450 million expense budget and \$1.5 billion capital budget annually. Previously, from 1996 to 2000 she was the First Deputy Commissioner of the New York City Department of Citywide Administrative Services, and from 1988 to 1996 was the Deputy Commissioner, Management and Budget, for the New York City Department of Environmental Protection. Ms. Weinshall earned a Bachelor of Arts (cum laude) from Brooklyn College, and a Master of Arts in Urban Housing and Finance from the New York University Wagner Graduate School of Public Service.

Upon motions duly made, seconded and carried, the meeting was adjourned at 6:41 P.M.

**SECRETARY AND SENIOR VICE CHANCELLOR JAY HERSHENSON**

This is a detailed summary of the Board of Trustees' meeting. The tapes of the meeting are available in the Office of the Secretary of the Board for a period of three years.)

## POLICY ON ACCEPTABLE USE OF COMPUTER RESOURCES

### Introduction

CUNY's computer resources are dedicated to the support of the university's mission of education, research and public service. In furtherance of this mission, CUNY respects, upholds and endeavors to safeguard the principles of academic freedom, freedom of expression and freedom of inquiry.

CUNY recognizes that there is a concern among the university community that because information created, used, transmitted or stored in electronic form is by its nature susceptible to disclosure, invasion, loss, and similar risks, electronic communications and transactions will be particularly vulnerable to infringements of academic freedom. CUNY's commitment to the principles of academic freedom and freedom of expression includes electronic information. Therefore, whenever possible, CUNY will resolve doubts about the need to access CUNY computer resources in favor of a user's privacy interest.

However, the use of CUNY computer resources, including for electronic transactions and communications, like the use of other university-provided resources and activities, is subject to the requirements of legal and ethical behavior. This policy is intended to support the free exchange of ideas among members of the CUNY community and between the CUNY community and other communities, while recognizing the responsibilities and limitations associated with such exchange.

### Applicability

This policy applies to all users of CUNY computer resources, whether affiliated with CUNY or not, and whether accessing those resources on a CUNY campus or remotely.

This policy supersedes the CUNY policy titled "CUNY Computer User Responsibilities" and any college policies that are inconsistent with this policy.

### Definitions

"CUNY Computer resources" refers to all computer and information technology hardware, software, data, access and other resources owned, operated, or contracted by CUNY. This includes, but is not limited to, personal computers, handheld devices, workstations, mainframes, minicomputers, servers, network facilities, databases, memory, and associated peripherals and software, and the applications they support, such as e-mail and access to the internet.

"E-mail" includes point-to-point messages, postings to newsgroups and listservs, and other electronic messages involving computers and computer networks.

### Rules for Use of CUNY Computer Resources

- 1. Authorization.** Users may not access a CUNY computer resource without authorization or use it for purposes beyond the scope of authorization. This includes attempting to circumvent CUNY computer resource system protection facilities by hacking, cracking or similar activities, accessing or using another person's computer account, and allowing another person to access or use the user's account. This provision shall not prevent a user from authorizing a colleague or clerical assistant to access information under the user's account on the user's behalf while away from a CUNY campus or because of a disability. CUNY computer resources may not be used to gain unauthorized access to another computer system within or outside of CUNY. Users are responsible for all actions performed from their computer account that they permitted or failed to prevent by taking ordinary security precautions.
- 2. Purpose.** Use of CUNY computer resources is limited to activities relating to the performance by CUNY employees of their duties and responsibilities. For example, use of CUNY computer resources for private commercial or not-for-profit business purposes, for private advertising of products or services, or for any activity meant solely to foster personal gain, is prohibited. Similarly, use of CUNY computer resources for partisan political activity is also prohibited.

Except with respect to CUNY employees other than faculty, where a supervisor has prohibited it in writing, incidental personal use of computer resources is permitted so long as such use does not interfere with CUNY operations, does not compromise the functioning of CUNY computer resources, does not interfere with the user's employment or other obligations to CUNY, and is otherwise in compliance with this policy.

3. **Compliance with Law.** CUNY computer resources may not be used for any purpose or in any manner that violates CUNY rules, regulations or policies, or federal, state or local law. Users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those other states and countries, and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular use.

Examples of applicable federal and state laws include the laws of libel, obscenity and child pornography, as well as the following [add links]:

Family Educational Rights and Privacy Act  
Electronic Communications Privacy Act  
Computer Fraud and Abuse Act  
New York State Freedom of Information Law  
New York State Law with respect to the confidentiality of library records

Examples of applicable CUNY rules and policies include the following [add links]:

Sexual Harassment Policy  
Policy on Maintenance of Public Order  
Web Site Privacy Policy  
Gramm-Leach-Bliley Information Security Program  
University Policy on Academic Integrity  
Information Security policies

4. **Licenses and Intellectual Property.** Users of CUNY computer resources may use only legally obtained, licensed data or software and must comply with applicable licenses or other contracts, as well as copyright, trademark and other intellectual property laws.

Much of what appears on the internet and/or is distributed via electronic communication is protected by copyright law, regardless of whether the copyright is expressly noted. Users of CUNY computer resources should generally assume that material is copyrighted unless they know otherwise, and not copy, download or distribute copyrighted material without permission unless the use does not exceed fair use as defined by the federal Copyright Act of 1976. Protected material may include, among other things, text, photographs, audio, video, graphic illustrations, and computer software.

5. **False Identity and Harassment.** Users of CUNY computer resources may not employ a false identity, mask the identity of an account or computer, or use computer resources to engage in abuse of others, such as sending harassing, obscene, threatening, abusive, deceptive, or anonymous messages within or outside CUNY.
6. **Confidentiality.** Users of CUNY computer resources may not invade the privacy of others by, among other things, viewing, copying, modifying or destroying data or programs belonging to or containing personal or confidential information about others, without explicit permission to do so. CUNY employees must take precautions to protect the confidentiality of personal or confidential information encountered in the performance of their duties or otherwise.

7. **Integrity of Computer Resources.** Users may not install, use or develop programs intended to infiltrate or damage a computer resource, or which could reasonably be expected to cause, directly or indirectly, excessive strain on any computing facility. This includes, but is not limited to, programs known as computer viruses, Trojan horses, and worms. Users should consult with the IT director at their college before installing any programs that they are not sure are safe.
8. **Disruptive Activities.** CUNY computer resources must not be used in a manner that could reasonably be expected to cause or does cause, directly or indirectly, unwarranted or unsolicited interference with the activity of other users. This provision explicitly prohibits chain letters, virus hoaxes or other intentional e-mail transmissions that disrupt normal e-mail service. Also prohibited are spamming, junk mail or other unsolicited mail that is not related to CUNY business and is sent without a reasonable expectation that the recipient would welcome receiving it, as well as the inclusion on e-mail lists of individuals who have not requested membership on the lists, other than the inclusion of members of the CUNY community on lists related to CUNY business. CUNY has the right to require users of CUNY computer resources to limit or refrain from other specific uses if, in the opinion of the IT director at the user's college, such use interferes with efficient operations of the system, subject to appeal to the President or, in the case of central office staff, to the Chancellor.
9. **CUNY Names and Trademarks.** CUNY names, trademarks and logos belong to the university and are protected by law. Users of CUNY computer resources may not state or imply that they speak on behalf of CUNY or use a CUNY name, trademark or logo without authorization to do so. Affiliation with CUNY does not, by itself, imply authorization to speak on behalf of CUNY.
10. **Security.** CUNY employs various measures to protect the security of its computer resources and of users' accounts. However, CUNY cannot guarantee such security. Users are responsible for engaging in safe computing practices such as guarding and not sharing their passwords, changing passwords regularly, logging out of systems at the end of use, and protecting private information, as well as for following CUNY's Information Security policies and procedures. Users must report incidents of Information Security policy non-compliance or other security incidents to CUNY's Chief Information Officer and Chief Information Security Officer, and the IT director at the affected user's college.
11. **Filtering.** CUNY reserves the right to install spam, virus and spyware filters and similar devices if necessary in the judgment of CUNY's Office of Information Technology or a college IT director to protect the security and integrity of CUNY computer resources. Notwithstanding the foregoing, CUNY will not install filters that restrict access to e-mail, instant messaging, chat rooms or websites based solely on content.
12. **Confidential Research Information.** Principal investigators and others who use CUNY computer resources to store or transmit research information that is required by law or regulation to be held confidential or for which a promise of confidentiality has been given, are responsible for taking steps to protect confidential research information from unauthorized access or modification. In general, this means storing the information on a computer that provides strong access controls (passwords) and encrypting files, documents, and messages for protection against inadvertent or unauthorized disclosure while in storage or in transit over data networks. Robust encryption is strongly recommended for information stored electronically on all computers, especially portable devices such as notebook computers, Personal Digital Assistants (PDAs), and portable data storage (e.g., memory sticks) that are vulnerable to theft or loss, as well as for information transmitted over public networks. Software and protocols used should be reviewed and approved by CUNY's Office of Information Technology.
13. **CUNY Access to Computer Resources.**

CUNY does not routinely monitor, inspect, or disclose individual usage of its computer resources without the user's consent. In most instances, if the university needs information located in a CUNY computer resource, it will simply request it from the author or custodian. However, CUNY IT professionals and staff do regularly monitor general usage patterns as part of normal system operations and maintenance and might, in connection with these duties, observe the contents of web sites, e-mail or other electronic communications. Except as

provided in this policy or by law, these individuals are not permitted to seek out contents or transactional information, or disclose or otherwise use what they have observed. Nevertheless, because of the inherent vulnerability of computer technology to unauthorized intrusions, users have no guarantee of privacy during any use of CUNY computer resources or in any data in them, whether or not a password or other entry identification or encryption is used. Users may expect that the privacy of their electronic communications and of any materials contained in computer storage in any CUNY electronic device dedicated to their use will not be intruded upon by CUNY except as outlined in this policy.

CUNY may specifically monitor or inspect the activity and accounts of individual users of CUNY computer resources, including individual login sessions, e-mail and other communications, without notice, in the following circumstances:

- a. when the user has voluntarily made them accessible to the public, as by posting to Usenet or a web page;
- b. when it is reasonably necessary to do so to protect the integrity, security, or functionality of CUNY or other computer resources, as determined by the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee;
- c. when it is reasonably necessary to diagnose and resolve technical problems involving system hardware, software, or communications, as determined by the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee;
- d. when it is reasonably necessary to protect CUNY from liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of significant evidence, as determined by the college president or a vice president designated by the president, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;
- e. when there is a reasonable basis to believe that CUNY policy or federal, state or local law has been or is being violated, as determined by the college president or a vice president designated by the president, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;
- f. when an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns, as determined by the college president or a vice president designated by the president and the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee, the Office of General Counsel, and the Chair of the University Faculty Senate (if a CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable; or
- g. as otherwise required by law.

In those situations in which the Chair of the University Faculty Senate is to be consulted prior to monitoring or inspecting an account or activity, the following procedures shall apply: (i) the college president shall report the completion of the monitoring or inspection to the Chair and the CUNY employee affected, who shall also be told the reason for the monitoring or inspection, except where specifically forbidden by law; and (ii) if the monitoring or inspection of an account or activity requires physical entry into a faculty member's office, the faculty member shall be advised prior thereto and shall be permitted to be present to observe, except where specifically forbidden by law.

A CUNY employee may apply to the General Counsel for an exemption from some or all of the circumstances under which CUNY may inspect and monitor computer resource activity and accounts, pursuant to subparagraphs (a)-(f) above, with respect to a CUNY computer resource used solely for the collection, examination, analysis, transmission or storage of confidential research data. In considering such application, the General Counsel shall have the right to require the employee to affirm in writing that the computer resource will be used solely for the confidential research. Any application for exemption should be made prior to using the computer resource for the confidential research.

CUNY, in its discretion, may disclose the results of any general or individual monitoring or inspection to appropriate CUNY personnel or agents, or law enforcement or other agencies. The results may be used in college disciplinary proceedings, discovery proceedings in legal actions, or otherwise as is necessary to protect the interests of the University.

In addition, users should be aware that CUNY may be required to disclose to the public under the New York State Freedom of Information Law communications made by means of CUNY computer resources in conjunction with University business.

Any disclosures of activity of accounts of individual users to persons or entities outside of CUNY, whether discretionary or required by law, shall be approved by the General Counsel and shall be conducted in accordance with any applicable law. Except where specifically forbidden by law, CUNY employees subject to such disclosures shall be informed promptly after the disclosure of the actions taken and the reasons for them.

The Office of General Counsel shall issue an annual statement of the instances of account monitoring or inspection that fall within categories d through g above. The statement shall indicate the number of such instances and the cause and result of each. No personally identifiable data shall be included in this statement.

See CUNY's Web Site Privacy Policy [add link] for additional information regarding data collected by CUNY from visitors to the CUNY website at [www.cuny.edu](http://www.cuny.edu).

- 14. Enforcement.** Violation of this policy may result in suspension or termination of an individual's right of access to CUNY computer resources, disciplinary action by appropriate CUNY authorities, referral to law enforcement authorities for criminal prosecution, or other legal action, including action to recover civil damages and penalties.

Violations will normally be handled through the university disciplinary procedures applicable to the relevant user. For example, alleged violations by students will normally be investigated, and any penalties or other discipline will normally be imposed, by the Office of Student Affairs.

CUNY has the right to temporarily suspend computer use privileges and to remove from CUNY computer resources material it believes violates this policy, pending the outcome of an investigation of misuse or finding of violation. This power may be exercised only by the President of each college or the Chancellor.

- 15. Additional Rules.** Additional rules, policies, guidelines and/or restrictions may be in effect for specific computers, systems, or networks, or at specific computer facilities at the discretion of the directors of those facilities. Any such rules which potentially limit the privacy or confidentiality of electronic communications or information contained in or delivered by or over CUNY computer resources will be subject to the substantive and procedural safeguards provided by this policy.

- 16. Disclaimer.** CUNY shall not be responsible for any damages, costs or other liabilities of any nature whatsoever with regard to the use of CUNY computer resources. This includes, but is not limited to, damages caused by unauthorized access to CUNY computer resources, data loss, or other damages resulting from delays, non-deliveries, or service interruptions, whether or not resulting from circumstances under the CUNY's control. Users receive and use information obtained through CUNY computer resources at their own risk. CUNY makes no warranties (expressed or implied) with respect to the use of CUNY computer resources. CUNY accepts no

responsibility for the content of web pages or graphics that are linked from CUNY web pages, for any advice or information received by a user through use of CUNY computer resources, or for any costs or charges incurred by a user as a result of seeking or accepting such advice or information.

CUNY reserves the right to change this policy and other related policies at any time. CUNY reserves any rights and remedies that it may have under any applicable law, rule or regulation. Nothing contained in this policy will in any way act as a waiver of such rights and remedies.

**Performance Bonus Program for Full-Time Excluded Instructional Staff****Program Highlights**

- Goal** The Performance Bonus Program is intended to reward high performance of excluded instructional staff, recognize exceptional work in service to the University, and attract, motivate, and retain exceptional employees.
- Criteria** Excluded employees should be evaluated against individual expectations and goals. Employees must demonstrate exceptional performance beyond normal expectations. Managers must be able to document specific achievements that have made important, measurable contributions, and provide specific examples of exceptional overall performance during the evaluation year (July 1 to June 30).
- Awards** Bonus range: a lump sum of up to 7% of the employee's annual salary as of the date of the performance evaluation. This amount is not added to base pay, but is pensionable.
- As a program rewarding exceptional performance, it is expected that bonuses will not be awarded to all excluded employees in a given year.
- There is a maximum of one bonus per excluded employee per evaluation year. Employees may receive step or merit increases (early movement) in the same year as a bonus. Bonuses are discretionary.
- Colleges fund bonus amounts directly.
- Eligibility** Full-time Instructional Staff who hold positions that exclude them from PSC representation as of the annual evaluation date, have served in excluded positions for a minimum of one full appointment year, and hold regular (i.e., not substitute) appointments are eligible. Employees who have been on leave during the evaluation year may be considered for a bonus provided they have worked at least six months during the evaluation year.
- Timing** Annual bonus evaluations must be completed in April for inclusion in the June Chancellor's Report for payment in July.
- Approvals** All awards require the approval of the College President (or designee).

**Overview and Definitions**

Performance bonus programs are used to motivate employees, and it is generally accepted that they have a positive impact on employee performance. They can help attract and retain key staff, and allocate scarce resources to focus on performance rather than entitlement. Basic considerations for a performance bonus program are:

- Rules for eligibility and for payout of a bonus must be very clear, create a motivational environment, and limit risk.
- Employees must have an understanding of the level of performance most likely to result in receiving a bonus.

Excluded employees are in titles or functions not represented by a Union. The PSC Contract lists excluded instructional positions. The designation of employees as excluded requires approval by the Office of Instructional Staff Labor Relations.

Eligible employees should be informed of the program. A suggestion is to provide the "Program Highlights" on the previous page of this document.

## Responsibilities

### College Human Resource Directors

- Ensure managers understand roles and responsibilities, and provide information on the process
- Ensure excluded employees are notified of the existence of the Program and eligibility/performance criteria
- Work with College President or designee to determine funds available for bonus payments, and to finalize and approve bonus decisions
- Work with Affirmative Action Office to assure absence of bias or adverse impact
- Work with Finance, Business, and/or Payroll units to provide for accurate and prompt payment of bonuses
- Enter bonus recommendations in the Chancellor's University Report for Board approval
- Maintain required records for at least 6 years in accordance with the University's Records Retention Policy.

### College Presidents

- Make a determination as to whether College will participate in any given year and determine funds available
- Review recommendations to assure bonus payments fairly reflect performance
- Approve final bonus recommendations for submission to the Board
- Assure bonus decisions are communicated.

### Managers of Excluded Staff

- Establish performance expectations
- Prepare complete and accurate performance assessments
- Forward performance assessment and recommendations to the College's Office of Human Resources.

## Process

### 1. Establish Schedule

Annual bonus assessments should be completed at the same time for all eligible employees at a College. While not required, it may be easiest to coordinate bonus reviews with other reviews such as the annual performance review process or reviews for merit increases. Each College should plan the bonus review process to assure that bonus recommendations are included in the June Chancellor's University Report.

### 2. Establish Funding

Each College will determine whether to participate in a given year. Each participating College will be responsible for identifying funding sources for bonus payments.

### 3. Determine Eligibility

Eligible employees:

- Serve in an excluded instructional title (i.e., HEO, Faculty, or CLT series) as of the end of the appointment year (June 30)
- Are full-time employees in a regular appointment (not substitute)
- Have served in an excluded position for a minimum of one full appointment year

Employees who have been on leave during the evaluation year may be considered for a bonus provided they have worked at least six months during the evaluation year.

Employees lose eligibility upon leaving employment or transferring to a position that is not excluded or covered by a separate bonus program (such as Classified Managerial service).

Eligibility is not related to FLSA status.

Employees can only receive a bonus payment once a year.

4. **Conduct Evaluation and Determine Bonus**

A bonus recommendation is intended to reward high performance and recognize exceptional service.

Managers must document achievements that have made important, measurable contributions, and provide specific examples of exceptional overall performance.

A lump sum up to and including 7% of the employee's annual salary may be awarded.

Appendix A (Bonus Recommendation Form) *not attached*

5. **Implementation**

Directors of Human Resources will work with their College President and/or designee, Vice President for Administration and Finance, and Affirmative Action Officer to finalize bonus recommendations.

Directors of Human Resources will complete a program summary (Appendix B) and submit it to the Affirmative Action Officer (A.A.O.) for sign off. Once signed off by the A.A.O., the form is submitted to the President for final approval.

Colleges will process bonus payments through payroll with a payment in July. Bonus amounts are not added to base pay, but are pensionable. They are subject to all required payroll deductions. Bonuses are discretionary and not subject to appeal.

